

# THE CALCUTTA JOURNAL,

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## Politics and General Literature.

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[No. 90]

## MISCELLANEOUS.

—481—

### General Summary.

The Ship WINDSOR CASTLE, Captain S. Lee, has arrived in the River since our last, having left Madras on the 4th of April. We received by Her, on Saturday, a few additional Letters and Papers, none, however, of a later date than those already quoted, and as they did not reach us in time to make much use of them before the hour of our Monday's Paper going to press on Saturday night, we have embraced the present occasion of sending out the Report of a Trial in the Supreme Court, to which we have been obliged to give up two whole Sheets, notwithstanding great pains have been taken to condense it into the smallest possible compass, consistent with the main object of rendering it intelligible.

To some Readers, perhaps, who look chiefly for entertainment in the pages of a Daily Paper, and who can relish nothing but the gay and facetious, it may appear that we have bestowed an unnecessary portion of our time, space, and paper, to this Law Report. Others, however, will perhaps more justly conclude that a Case which occupied the Supreme Court sixteen whole days in investigating, and involved property to the amount of One Hundred Laks of Rupees, is at least worthy the Eight Pages we have bestowed on it. The indulgent portion of our Readers will, we trust, also consider that the attendance of our Reporter during so many days, and the subsequent labour of consulting the documents and condensing and arranging into form the whole of the Notes taken on the occasion, may at least be cited as a proof of his desire to be accurate, and of our wish to render the JOURNAL something more than a mere vehicle of entertainment, though we shall be always glad to mingle as much of this with graver matters as to render it acceptable to all classes.

The want of Reports of Legal Proceedings in India has been felt and complained of by those most deeply interested in the advancement of the country; and on that ground alone it ought to be made a matter of congratulation that the attempt is made, the work begun, and that it needs only the encouragement of the Public to be brought gradually to the same perfection as in England. We trust it may be ultimately extended to Reports of Proceedings in the Sudder and Zillah Courts also,—since the promulgation of the various decisions made in cases where property to such an enormous amount is constantly at stake, could not fail to benefit the Government, and the Administrators of its Laws as much as it would prove satisfactory to those whose interests had been involved therein. We have not room here to say all that we feel and think on the subject of giving the fullest publicity to Judicial Proceedings. We have shewn practically the importance that we attach to it, by the pains and expense at which we have been to effect it, to the utmost extent of our means and abilities, and the pages of our JOURNAL have contained at various periods the fullest and most accurate Reports of Cases that could perhaps be obtained in India. Without public support, however, neither this, nor any other public benefit can be attained or secured; and that support can be best given by their attaching due importance to the faithful performance of a task, twenty times more expensive, and a hundred times more laborious than filling our pages from the columns of the English Papers only.

To lead to any beneficial end it must have a beginning, and to be begun as well as carried on, it must receive public support. We trust therefore that though some may feel disappointed at seeing less of European News in our columns

of to-day than they had expected, others will think we have done a duty of equal if not of more importance in occupying them with the Report alluded to. We shall follow it up in a day or two, at farthest with an equally full Report of the Trial and Honorable Acquittal of JOHN HAYES, Esq. Judge and Magistrate of Tipperah, which will be read with still deeper interest, both from the superior importance of the Case, and from the extensive circle to whom this Gentleman is known, and by whom his public and private character are equally esteemed and respected.

Not to leave the Searcher after News, however, entirely without hope, we occupy the remainder of our First Sheet with such Miscellaneous Notices as we think likely to be acceptable.

*Courier, Nov. 7, 1821.*—We have received this morning Madrid Papers to the 22d-ultimo. The following are extracts:—

*Malaga, Oct. 12.*—A notice has been published here, of which the following are the chief passages:—

‘Inhabitants of the Province of Malaga!—The enemies of their country take advantage of every circumstance to promote their machinations.

‘While the inhabitants of Malaga have been agitated by the fears of malignant disorder, which has attacked a very small number of individuals, and which the authorities have endeavoured to stille in its origin, and hope to extinguish, and an increased number of families have emigrated through a prudent precaution, the ill-disposed have spread the most absurd reports, for the purpose of exciting disorder, such as that ‘there was a dreadful popular commotion in Malaga, caused by the approach of an anti-constitutional army; that numerous armies of French, Germans, and Russians had entered Catalonia and Navarre, to dissolve the Cortes,’ and other equally absurd tales;—I therefore think it necessary to state, that Malaga enjoys the most perfect tranquillity; that the King and the Cortes are cordially united for the good of the country; that we maintain the most friendly relations with all foreign Powers; and that those who spread reports like the above, ought to be considered by you as traitors, and denounced to the competent authorities, that they may be punished according to law.

*Malaga, Oct. 11, 1822.*

MANUEL ROBLEDA.

*Seville, October 14.*—The Magistrates of this city have published a notice to contradict a report that had been circulated, of the yellow fever having manifested itself in the quarter of Triana; the patients who were supposed to have that disorder, have been examined, and found to have only bilious fevers, such as are common at this season.

*Madrid, October 19.*—The accounts received to-day of the progress of the epidemic are not so satisfactory as might have been hoped. In Malaga, there have been some persons suspected of having the contagious fever, but it was generally believed that the evil would be extinguished, and for the present no fears were entertained.

At Cadiz, there were only vague reports among some people but in general nothing was feared; and from the 10th to the 11th there had been buried in that populous city only one child, one woman and one man.

At San Lucas de Barrameda, there was a report of the fever. Precautions were taken against a suspected patient, but it was soon found that the contagious disorder did not exist.

At Puerto de St. Maria, the contagion continued, as appears from the following statement:—

## YELLOW FEVER.

Remain.	New Cases.	Cured.	Deaths.
Oct. 7. 165	27	13	7
Oct. 8. 171	35	14	15

At Xeres de la Frontera, the malady had appeared, but with little violence; on the 6th there were three new cases, one death, one cured, seven remaining. At Lebrija, its ravages were more extensive than in Xeres. From the 1st to the 6th—

Remain, 22. New Cases, 32. Cured, 2. Deaths, 8.

From the 7th to the 9th—

Remain, 32. New Cases, 18. Cured, 1. Deaths, 7.

It is not known that the contagion has appeared in any other part of Andalusia.

At Mequinenza, the epidemic was considered to be extinguished.

At Barcelona, and Tortosa, this dreadful scourge continues to rage in the most frightful manner.

Barcelona, Oct. 13.

Remain.	New Cases.	Cured.	Deaths.
Oct. 10. 718	99	28	61
11. 728	96	14	87
12. 723	56	7	76
13. 507	..	..	..

Note. The last physician, D. Diego Delone, having fallen sick, the Junta has not been able to receive the official statement for Barcelonetta for the 12th: however, from the report of the Commissary, it appears that the number of deaths has been 20, as we have reckoned it, and the number of new cases nearly the same as on the preceding day. A notice published by the Board of Health, mentions the arrival of the French physicians, and speaks in the highest terms of their generous philanthropy.

In the debate on the division of the territory, the following articles were approved:—

“ Province of Bilboa, capital Bilboa; Province of Tolosa, capital St. Sebastian; Province of Vittoria, capital Vittoria; Province of Canaries, capital St. Cruz de Tenerife; the latter capital, after a very long discussion.”

*Son of the Duke of Cambridge.*—Extract of a private letter, dated Augsburgh, Oct. 29:—“The King, when he saw the young son of the Duke of Cambridge for the first time, asked him if he could speak; the infant immediately replied, ‘God save the King!’”

W. Whiston computed the period of the world to be twenty years from his own time, (1712,) and yet asked thirty years purchase for an estate which he had to sell.

*Shakspeare.*—The house in which this poet lived, at Stratford-upon-Avon, is at present inhabited by a butcher, who has placed the following inscription over his door:—

“ Shakspeare lived here,  
N. B. Horse and Cart to let.”

*Sir William Curtis.*—It could be little suspected that the present Royal favourite, Sir W. Curtis, had originally been the political *évee* of John Horne Tooke. Such, however, it appears, was the case, and in this manner Tooke related the occasion:—“Sir William’s father had been a zealous friend of popular politics in the city and county, and at the period of the great contest for Middlesex, when Wilkes was opposed by Lutterel, old Mr. Curtis regretted that his business and time of life prevented him being so active in behalf of his favourite candidate as he wished to be. ‘My son, however,’ says he, ‘is just now of age; he is young and strong; take him, Mr. Horne, under your own direction, and make him useful in your cause.’ The young man retained his acquaintance with me for some years afterwards; but subsequently, as would be readily supposed, we seldom met. It happened, however, after a very long interval, while I was a Member of the House of Commons, that we did meet at the door

of the House, going out together into the lobby, and, what was more extraordinary, going out on a division upon the same side. Being side by side, I offered him my hand as an old political pupil, and told him I was heartily glad to find that he had returned to his master and to his original principles at last. ‘Return!’ replied Sir William archly, ‘I never left my principles; it is you, Mr. Tooke, who have changed.’—‘How am I to understand you, Sir William?’—‘Why, Mr. Tooke, when I engaged in politics with you we had the majority with us; by the majority I have always stuck, and I will keep among the majority to the last.’”

*Steam Vessels.*—An American Paper states, that in January last there were no fewer than 72 steam vesels plying on the Mississippi and Ohio rivers, several of which were above 400 tons; and one of them, the UNITED STATES, Captain Hart, was of the astonishing size of 646 tons.

*Curious Case.*—An affair of a very extraordinary nature is about to come before the Court of Assize at Paris. A Scotchman, named William M'Dougal, who was pursued for uttering at Paris forged notes of the Bank of Scotland to the amount of 40,000 francs, fled to the Netherlands, and took refuge in the Belgic territory. The French Government demanded and obtained that he should be given up. M'Dougal was made prisoner at Ghent; and conducted by regular reliefs of guards to Paris. However, people were not a little surprised to see the prisoner soon after his arrival in the capital, obtain all at once his liberty, saying that he was guilty of that single crime for which our legislature has not provided a punishment. The fact was that the person who was brought to Paris was not the true William, but his brother, James M'Dougal, who had conceived and executed the hardy project of setting his brother at liberty on the journey, by dressing himself in clothes similar to those which the prisoner wore. It appeared he had followed the chaise in which his brother was, on horseback, for some time, and it was at Courtray, when the party stopped at a little inn, that he put himself in his place: James therefore was the person that the police of the Netherlands delivered to the French *gens d’armes* on the frontiers. This curious case, which before discussing the accusation, it will be necessary first to prove the prisoner’s identity, will be pleaded by M. Chaix d’Estrange.

*Trinity-House.*—The workmen have begun to lay down the pipes, commencing from the Trinity-house, round the postern-row, to the entrance of the Tower, in order that that much-frequented part may be lighted with gas.

*An Eccentric Character.*—Died, a few days since, at the advanced age of 92, Mr. Samuel Bailey, of Hale Common, Isle of Wight, who, from an humble begining, is said to have left property amounting to upwards of 10,000*l.*; but acquired it by means the most degrading to mankind. The privations he and his family suffered in order to amass his “dearly beloved treasure” are almost incredible. In early life he was bailiff to a gentleman of the name of Thatcher, in which situation he saved some property, and afterwards became a small farmer, in which station he continued until his death; but cattle were almost a stranger to his farm, as he and his children used to perform their offices, even in ploughing and other laborious employments. Scarcely any of the necessaries of life ever received admittance under his roof; even tea was a luxury unknown, and the carcasses of dead cattle and carrion have often graced his board. He was very decrepit for the last few years, and supported himself by means of crutches; he, however, often made journeys to Newport and to Lymington (near which latter place he has a small estate) mounted on a donkey. His appearance was of the most abject description, and clean linen or clothes he did not often trouble himself with; a soldier’s grey great coat was for some time past his outward garment. He has left a wife and four children surviving him, to whom and to the children of the latter, he has bequeathed his property.

*The Dropsy.*—It asserted that the juice of the blackberries, which are ripe at this season, has in several instances cured the dropsy. The method of taking the juice is about a quarter of a pint for three or four successive mornings.

*Ireland.*—The intolerant party has obtained another recruit in Dublin in the person of Ex-Sheriff BRADY, a man knighted by the KING himself, as one of the supporters of his system of conciliation, and who, we did not expect to find a deserter from the regiment so soon after he had received the bounty. At the breaking up of the Quarter Assembly on Friday evening, Sheriff SMITH invited the whole Corporation to dine with him at MORRISON'S, where he had ordered dinner; and as the candidates for Aldermen were there to declare themselves, a more than usually numerous attendance took place, consisting of between ninety and one hundred Members, when Messrs. FOOT, ARCHER, WHITFORD, and BRADY, declared themselves aspirants for the Aldermanic Gown. On the health of the worthy Sheriff being drank, he availed himself of the opportunity of stating, that when last he had the honour of presiding in the Chair, he appeared, by the line of conduct he had adopted, to have given offence to some Members of the Corporation, by not giving a particular toast; but he must assure the Gentlemen that the line of conduct he had then pursued, he would still fearlessly follow, and not be biased by any one; he could not be in that chair as a puppet, by pulling this string or that; he was not to dance or sing, or make a speech at any man's pleasure. He did conceive, from his *heart*, that in obeying the MANDATE OF HIS SOVEREIGN, he was best supporting the interest and independence of the Corporation of Dublin, and he did, therefore, hope no one would dictate to him what line of conduct he was to pursue. Things were going on so far so well, when a Gentleman got up, declared he *would* drink the "Glorious Memory" in spite of the Sheriff; on which Sheriff SMITH most manfully stood up, and declared he *would* either be supported in the chair, or leave it, which we regret to find, was the case. Sheriff BRADY was then voted to the chair, and the toast was accordingly given by those who are opposed to Sheriff SMITH. At the Quarter Assembly on Friday the vote of thanks to Sir A. B. KING and the Mansion-house Committee, for their conduct on the occasion of the KING's visit, was carried only by a majority of 10, the numbers being—Ayes, 50: Noes, 40. The Member of the Corporation, who brought forward the motion, said he was induced to propose it, in hopes that it would be negatived, a rumour having gone abroad that within the last six months the politics of the city had been much changed.

*Dover.* Nov. 6.—At length we have an arrival from France. The ROY ROY steam vessel came into the Roads this morning, and landed from 120 to 130 passengers. By this arrival we learn that the VENUS steam packet came out of Calais at the same time, and proceeded to Walmer Castle with the Marquis of Londonderry. The good folks of Calais are in the most sanguine expectation of the arrival of his Majesty, to embark from thence for England to-morrow, or Thursday.

*Alexander Gordon.*—There is a person living, we understand, in London, named Alexander Gordon, whose case is rather curious. He has lately attained his 100th year, and is in a state of second childhood, under the constant care of a medical man. He made his Will, we hear, sometime back, in which he has bequeathed to Matilda Adams, his great niece, his whole property, which must be enormous, being the produce of 60,000*l.* a year left accumulating at compound interest for eighty years.

*Mrs. Sarah Bond.*—We lately gave an account of the death of this eccentric woman, and no heirs to her great wealth having been discovered, it was observed that his Majesty had a good chance of possessing the whole of her property. The DURHAM COUNTY ADVERTISER, however, says, "We have to believe that his Majesty will find a powerful opponent in one of his loyal subjects resident in Durham, who deems it neither treasonable nor presumptuous to contend with the King for such a possession. The claimant to whom we allude is Mr. Thomas Bond, chain-maker and hard-wareman in this city. His father, who came from the county of Stafford, had a sister named Sarah Bond, of whom neither he nor any of his family had heard for many years; and the present claimant has not a doubt that the eccentric deceased is that same person, and of course his aunt!"

*King of Hayti.*—Letters of administration of the personal estate and effects of the late Christophe, King of Hayti, were, on the 3rd inst. granted by the Prerogative Court, to his widow and relict, residing at Osborn's Hotel, in the Adelphi. The property within the diocese of the Archbishop of Canterbury was sworn under £9,000.

*The Courtenay Estates.*—These vast, valuable, and beautiful domains, in the county of Limerick, were granted by Queen Elizabeth to Sir — Courtenay. His descendant, the present Lord Viscount Courtenay, resides in some remote part of America, and we believe has never even seen his immense Irish property. He has been selling this old forfeiture for some years, and his sales have produced him 200,000*l.* which, at six per cent, would bring 12,000*l.* per annum; but he has still remaining 42,000 Irish plantation acres, let, it is stated, at an average for nearly 40*s.* an acre, and which, therefore, yield him 80,000*l.* a year or upwards. The Courtenay property has been for some time under the management of trustees, who reside in England.

*Marriage Lottery.*—It has often been said, figuratively, that marriage is a lottery; but we do not recollect to have met with a practical illustration of the truth of the simile before the following, which is a free translation of an advertisement in the LOUISIANA GAZETTE:—"A young man, of good figure and disposition, unable, though desirous, to procure a wife, without the preliminary trouble of amassing a fortune, proposes the following expedient to attain the object of his wishes:—He offers himself as the prize of a lottery to all widows and virgins under 32. The number of tickets to be 600, at 50 dollars each. But one number to be drawn from the wheel, the fortunate proprietor of which is to be entitled to himself and the 30,000 dollars."

*Further Account of the Egyptian Obelisk.*—This piece of antiquity was lying in front of the temple in the island of Philoe, where it stood originally at the time of Ptolemy, or probably anterior to that period, and was first noticed by Nordon, after various other travellers both ancient and modern. It was taken from that place to Alexandria by Belzoni, to whom Mr. Banks is entirely indebted for this arduous operation. On the first attempt to convey it on board, the pier having given way, slipt into the Nile, from whence it was raised by great labour under the direction of Belzoni, who being destitute of mechanical instruments, except some palm-leaf ropes, and few pieces of palm trees, contrived to have it turned up on the bank again, from whence it was embarked in a small boat, and launched down the cataract over a fall of water of about 20 feet in breadth, and 600 in length, full of rocks on every side. It was then taken to Thebes, where another party of travellers claimed it, but not being able to justify their claim on it, they made an attempt on Belzoni's life. At last the obelisk was safely taken to Alexandria by him, where it was shipped for England. It is 22 feet in length, 4 feet square at the basis; and forms in proportion about 1-30th part of the great obelisk now lying in Alexandria, named Cleopatra's needle, which is about 67 feet in length, by seven broad at the base. There is reason to hope that that great monument of antiquity will be brought to this country, particularly as it lies on the shore in the harbour of Alexandria, so favourably situated for its embarkation.

*Flourishing State of Trade.*—In addition to the accounts we lately published of the improved state of the trade in every part of the country, we are happy to state that the manufactures of Leeds, Sheffield, Barnsley, Wakefield, &c. are so much more flourishing than they were, that every hand is employed, and wages have risen.—*Yorkshire Gazette.*

*Druidical Antiquities.*—Two antique golden crescents of a very large size have lately been found in the neighbourhood of Belfast. They are pure gold, and weigh about six ounces each, these relics, according to some antiquaries, were used as bells by the Druids, in the celebration of their heathen ceremonies; and the very fine tone produced by striking the cup at the ends of the crescent, seems to confirm that opinion. Near the spot where these crescents were discovered, are the remains of two Druidical altars.

## Newspaper Chat.

"So we'll live,  
And pray, and sing, and tell old tales, and laugh  
At gilded butterflies, and hear poor rogues  
Talk of Court News; and we'll talk with them too,  
Who loses and who wins; who's in, who's out;  
And take upon us the mystery of things,  
As if we were God's Spies."—SHAKESPEARE.

Mr. Wheatley, of Sherburn House, near Durham, farmer, has now in his possession a sow, which, during the last two years, has had ninety-six pigs at seven litters, all of which she has brought up with the exception of two.

Bonaparte, when Emperor of France, ordered letter-boxes to be fitted up in all the churches of Paris, where the virtuous poor, without their delicacy being wounded, could, as they passed, deposit a note expressive of their wants. These boxes were only opened by the higher clergy, who were sworn to secrecy; and the wants of the parties were thus relieved without any of the humiliating circumstances of a public application.

CREDULITY.—The following would do well for a tale of the sixteenth century: It is currently reported, and very generally believed at Brunswick, that when the coffin of her late Majesty was removed from the hearse to the car on which it was drawn into the town, a white dove that had been noticed hovering about the Royal Palace from an early hour in the morning, alighted upon the hearse; it then made three circuits round the Royal remains, and fell by the side of the coffin, and instantly expired. A belief in this phenomenon is not by any means confined to the lower orders—and its truth is attested by numerous witnesses, who declare that they had ocular demonstration of the fact. A similar occurrence, it is said, transpired at the obsequies of the late reigning Duke.—*Evening Paper.*

How like the Parliaments of the last century are those of the present! "They say (says Horace Walpole) the Prince has taken up two hundred thousand pounds to carry elections which he won't carry: he had much better have saved it to buy the Parliament after it is chosen. A new set of Peers are in embryo, to add more dignity to the silence of the House of Lords!"—This was written in 1747.

Lord Denbigh, on his approaching marriage with a fortune, was asked by Lord Gower how long the honey-moon would last? "Don't tell me of the honey-moon," he answered: "it is harvest-moon with me!"

Cibber, when at the age of 48, and still hearty, was told by an acquaintance that he was glad to see him look so well. "Faith, (said Cibber) it is very well that I look at all."

When Lord Bath was told of the first determination of turning out Pitt (Lord Chatham) and letting Fox remain, he said, it put him in mind of a story of the Gunpowder Plot: The Lord Chamberlain was sent to examine the vaults under the Parliament-house; and returning with his report, said, he had found five-and-twenty barrels of gunpowder: that he had removed ten of them, and hoped the other fifteen would do no harm.

CHRISTIAN CHARITY.—Colonel Codrington, who founded the library at All-Souls, left a large estate for the propagation of the Gospel, and ordered that *three hundred Negro Slaves* should constantly be employed upon it.

The subjoined extract from a *Character of the patriot Fletcher of Saltoun*, is from a MS. in the library of the late Thomas Rowlandson, Esq.—"He is a Gentleman, steady in his principles, of nice honour, with abundance of learning: brave as the sword he wears, and bold as a lion: a sage friend and an irreconcileable enemy; would lose his life readily to serve his country; and would not do a base thing to save it. His thoughts are large as to religion, and could never be brought within the bounds of any particular sect. Nor will he be under the distillation of a Whig or Tory; saying, those names are used to cloak the knaves of both: There is a very interesting account of Fletcher and his Writings in the last No. of *The Retrospective Review*.

BRITISH POETS.—We have often found fault with ourselves for not noticing a series of Portraits of British Poets, which are now in a course of publication by Messrs. Baldwyn of Newgate-street. We will dismiss our fault at once, together with the only one which we find with the work. It is this,—that some of the portraits are as inferior in point of likeness, as others appear excellent. The fault is one, which is in a great measure, perhaps, unavoidable in such a publication, but not always. For instance, the head of Chapman is copied after an inferior, dressed-up copy from the fine head at the beginning of his *Homer*: and with all due regard for the gentleman who told us that he recommended the original from which the Milton has been taken, (and indeed he told us with a great inclination to remorse,) it is no more like Milton than the first baker you meet in the streets. There is dough in his aspect. The portrait,

should have been taken from the true Milton's head prefixed to Tonson's edition, the original of which, or something very like it is in the possession of Mr. John Lamb, of the South-Sea House. The publication, however, is excellently got up altogether. The engravers are among the most eminent of the day, and shew a proper pride in their subjects. We have seen but the first two numbers; but if the others are as good, they are well worth the attention of those who have love and money for talent. We do not even quarrel with the wide admission which Messrs. Baldwyn have given to poets of all classes and pretensions, who have had any notoriety. The fault, if it is one, is on the right side; the purchaser is sure to have his favorite poets, whoever they are, and can put aside the rest. There is an interesting head of Shirley. The Chaucer is a good one, and contracts admirably well with his contemporary Gower, who looks like the knave which his court-servant proclaimed him. Sir Thomas Wyatt, with his high and finely proportioned face, warrants the portrait which his friend Surrey has drawn of him.—

"A noble look, where force and beauty met."

When we came to Mason we could not help laughing; the countenance and manner have all the solemn importance with which that conditio-natured and ugly clever person used to assume his friend Gray. We think we see him congratulating the poet upon their entering the town of Cambridge before people were abroad, "because they should avoid being stared at."—The Messrs. Baldwyn are very elegant and enterprising publishers, and deserve the special encouragement of those who are fond of our great standard writers. We are glad to see that their *Retrospective Review* is going on with all the spirit in which it commenced.

REPTILES IN IRELAND.—Ireland has been celebrated for its exemption from reptiles and venomous creatures. We wonder whether this virtue holds good still. As there are several very busy and curious persons among the Secretaries, and others, who make part of the visitors to Ireland, perhaps they will take pains to satisfy the English people on this head. The Irish, we fear, would remain incredulous whatever snake should turn up.

EQUIVOCAL LOYALTY.—The Queen of Wurtemberg, the papers tell us, has been delivered of a Princess. It is an odd phrase, this "delivered." Shakespeare, in his grand way, makes Antony call Cleopatra Egypt; and King John, in the same poet, addresses the French monarch by the appellation of France. "How now, France?"—If this were the custom now, and we had a Queen reigning like Anne, what a traitorous delight the Court-new-man would appear to be guilty of in his announcement of her lying-in!—The public will be delighted to hear, the England has been delivered of a King!—The happy news spread in a moment round the neighbourhood of the palace. Nothing was heard on all sides but cries of joy and ardent thanks to heaven!—"England," said the delighted people,—"England, thank God, has been delivered of a King!"

HUNTER and COVIER.—"But Mr. Hunter" (says the accomplished Lecturer on Comparative Anatomy and Physiology at the College of Surgeons, Wm. Lawrence) "is in the glory of England in this century (the last.) In vigour and originality of genius, in comprehension and depth of thought, in unreathed industry, he has been surpassed by none. He was one of the men who gave a character to the age in which they live—whose names are associated to the great eras of science—and who do honour to the country which produces them. Occupied by a laborious profession, and deriving from its hard earnings the expenses of his multifarious inquiries, he accomplished what appears almost incredible. What might he not have done, had his time been devoted exclusively to his favourite pursuits, and had they been aided by that pecuniary assistance and fostering support, which the Rulers of Mankind so seldom and so unwillingly spare from their schemes of war and conquest? He surveyed anatomy and physiology with the eye of a philosopher; proceeding constantly, with the aid of dissection and experiment, to ascertain the structure of animals, and to determine the nature of their functions. There is scarcely a branch of physiology which he has not illustrated by some original researches, while he has examined each organ in every animal that he could procure. His Museum is arranged on this truly philosophical principle; a plan followed by Aristotle, and to be completed, I hope, by Cuvier." This last eminent person is mentioned by the same distinguished authority, as one who has suffered no corner of the wide field of zoology to escape his penetrating glance. "Equal (observes Mr. Lawrence) to Buffon in enlarged views and comprehensive grasp of mind, and much superior to him in patient research, minute observation and learned inquiry, he presents a rare union of all the great requisites for promoting natural knowledge. He has been not less fortunate in his situation than in his qualifications; devoting his whole time to science, and surrounded by numerous able assistants, he could avail himself, to their full extent, of those liberal Institutions for the advancement of natural knowledge; and that uniform encouragement of talent, for which Science will ever be indebted to the late French Government. Accordingly, his progress has been every where marked by improvement and discovery."—*Examiner.*

# ASIATIC DEPARTMENT.

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## Supreme Court.

CALCUTTA, MONDAY, APRIL 1, 1822.

Plea Side—Prawn Kissen Biswas versus Kistnamundo Biswas.

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Attorney for the Plaintiff: R. M. THOMAS, Esq.

Attorneys for the Defendant: MESSRS. SWINHOES.

The Court having been occupied for the greater part of last month in investigating Five Issues, as directed by the Court in a suit instituted on the Equity Side thereof for a partition and division of the landed and personal property belonging to the Biswas Family, of Khurdah and Calcutta, one of the richest in Bengal, we are anxious to lay some account of the same before the Public; but in doing so we must claim the indulgence of our readers, at least such of them as are legal ones, to whom many defects must be apparent, since even if we were to attempt it, our limits would not admit one tenth part of the voluminous evidence that occupied the Court so many days in hearing, and it would be proportionally difficult to give such an abstract of it as would convey a clear view of the merits of the case, and explain all the allusions made to it in the course of the pleadings. We hope, however, that the comparatively short and imperfect report of the proceedings we are enabled to give, will afford another practical illustration of the character of the Natives in their mode of conducting law proceedings, not uninteresting to the majority of our Readers. According to his Lordship's finding of four of the Issues, the principal facts of the case were as follows:

Ram Hurree Biswas, late of Khurdah, a Hindoo Zumeendar, was in his lifetime Dewan to the Salt Agent at Nayacoil in Bengal; and died in the month of Assan in the Bengal year 1212, corresponding to June and July 1805, intestate, leaving two Sons only, viz. Prawn Kissen Biswas and Juggomohun Biswas; and considerable property immovable and moveable, or real and personal, the latter amounting it is said to twenty lakhs of rupees: to the whole of which property his Sons succeeded equally, according to the laws of Hindoos, and having taken possession thereof, continued to live together as an undivided Hindoo family both in estate and food, until the death of Juggomohun the Younger Son, which happened on the 9th of Phalgoon 1223 (B. S.) or the 19th of February 1817 (A. D.) Juggomohun also died intestate, leaving behind him two widows, Seebossoondery Dossee and Oajulmunnée Dossee, and by the latter an Infant Son named Kistnamundo, who as an only Son was his Father's sole heir and legal and personal representative. After Juggomohun's death, Prawn Kissen, Kistnamundo, and the two Widows continued to live together and to possess the whole property as a joint and undivided Hindoo family, under the management of Prawn Kissen who had uniformly managed the same from the death of his Father to the present time, and who had by trade and otherwise greatly increased the value thereof, both during the lifetime of Juggomohun and after his death. The value of the whole joint property is now estimated at one hundred lakhs of rupees, about forty lakhs of which, are, it is said, invested in Company's Paper.

The origin of the Five Issues now tried is as follows:—

On the 28th of September last a Bill was filed on the Equity Side of the Court by the next Friend of the Infant Kistnamundo Biswas, and by Seebossoondery Dossee and Oajulmunnée Dossee, the two Widows of Juggomohun, setting forth the abovementioned facts, and praying that the Court would decree that Prawn Kissen should give a full and fair account of the whole personal estate of the rents, issues, and profits of the real estate; and that he should pay into Court one half, being the Infant's share and part thereof; and also that he might come to a partition and division of the real Estate in two equal shares.

This Bill being afterwards amended, Prawn Kissen put in his answer, stating, that Ram Hurree a short time before his death having quarrelled with Prawn Kissen departed with all his moveable property on a visit to Allahabad, where Juggomohun at that time was; but being taken sick at Benares he there made his Will, leaving three fourths of his real Estate to Prawn Kissen and one fourth to Juggomohun; and alleging that the proportion to the latter was so reduced because Ram Hurree had previously given to Juggomohun two or three lakhs of rupees in Company's Paper, securities, cash, &c. and also alleging that at this time Ram Hurree had little or no moveable property remaining, and immovable property to the value of only 1,50,000 rupees, and that by a Deed of Gift dated the 12th of Phalgoon 1208 (B. S.) or 23d of February 1802, he made over to Anundo Moy Biswas, eldest son of Prawn Kissen, a Talook called Churqaz, on the occasion of his Grand-

son's *Anando prossin*.\* Prawn Kissen also alleged that his Father's Will continued all along in the possession of Juggomohun, and that after their Father's death they enjoyed the property according to the proportions ordered by it. What became of the Will after Juggomohun's death, Prawn alleged he did not positively know, although he believed it to be in the possession of his Widows. He admitted that himself and his Brother lived together after their Father's death as an undivided Hindoo family, but as far only as related to food and to their Father's estate, until the death of Juggomohun on the 9th of Phalgoon 1223 (B. S.) or the 9th of February 1817. But he contended that he had a separate estate entirely distinct from the paternal inheritance, created by himself in trade carried on by him on his own individual account; that he never had carried on any business jointly with his Brother but on one occasion, a certain loan of money to Rajissory Debee and others, the Widows and Heirs of Gokul Chunder Ghosaul, which had given rise to a litigation now depending before the Court. Prawn Kissen alleged that he advanced that money from his own funds, by a mutual understanding with Juggomohun, who had been allowed before his death to withdraw himself from all concern therewith. That Juggomohun also made a Will previous to his death, which is produced, stating that he had given all his little property that he had to his Wives; that he owed his Brother Prawn a balance of above thirteen thousand rupees which the latter had forgiven him; that a house at Sukea purchased in his name was not really his but his Brother's; confessing that he was, according to the Will of his Father, entitled to only a four annas share of his real estate; and leaving his family under the sole management of Prawn Kissen. That in July 1820 Juggomohun's family separated themselves from Prawn Kissen, instigated, as he says, by interested and litigious persons; and in effect afterwards instituted legal proceedings against him.

On the 8th day of December Prawn filed his Bill against Kistnamundo and the two Widows, praying that the Wills of Ram Hurree and Juggomohun and the Deed of Gift to Anundo Moy might be established, and that he might be decreed entitled to three fourths of the estate; to which Bill Kistnamundo and the Widows put in their answer, and both causes being called on and heard together, the Five Issues in question were directed to be tried: viz.

1. Whether or not Ram Hurree Biswas died intestate?
2. Whether or not Juggomohun Biswas died intestate?
3. Whether or not Ram Hurree and his Sons, Prawn Kissen and Juggomohun were a joint and undivided Hindoo family at the time of the death of Ram Hurree.
4. Whether Prawn Kissen and Juggomohun were at the time of the death of Juggomohun a joint and undivided Hindoo family, and if so in what proportions.
5. Whether or not Ram Hurree made the Deed of Gift before mentioned of the Talook of Churqaz to Anundo Moy?

The ADVOCATE GENERAL having opened the case in behalf of Prawn Kissen, but which we regret our Reporter did not hear, and examined several witnesses,—

Mr. FERGUSSON rose and observed that he felt great anxiety in entering upon this case, not through any fear of being unsuccessful, but because nearly the whole of his client's property depended upon it, he might say the whole, for the rest was a mere trifle in comparison. He must trouble the Court therefore with some observations on the nature of the evidence with which the case on the other side would be attempted to be supported. Mr. Wilkins (a man of great acuteness) declared that he never did place any credit on the testimony of Natives unless it was supported by the probabilities of the case. Applying this to the matter before them, a set of greater improbabilities never were offered than these. It was impossible to believe that Juggomohun made such a Will as that ascribed to him, even supposing Ram Hurree really to have made the Will alleged; but if Ram Hurree had made no Will then Juggomohun's must necessarily be forgery: it was impossible it could be otherwise, for Juggomohun's Will contained a recital of Ram Hurree's. The Advocate General had told his Lordship that from his experience in this country he was convinced that it very often happens, that what is most improbable is most true. I (said he) know of no such experience: if experience taught any such thing, here would be an end to all evidence: there would be then no rule to direct us in judging of the value of testimony: the mind of the Judge could rely with no comfort or satisfaction upon any thing. To come to the case before us, Ram Hurree, it is said, had considerable moveable property, about five lakhs and a half; and we are told that in a quarrel with his Son Prawn Kissen, he suddenly departed and carried away his whole estate. Now we hear of such a thing in former days as a man rising up and carrying away his Wife, his family and kindred, and his ox and his ass, and so many shekels of silver, and journeying to a far country; but such a thing is now impossible, especially with a Calcutta Banyan. At the most he could only have carried away his Company's Paper, which could not be of any great amount. But this story of a quarrel between Ram Hurree and

\* The ceremony of giving a child rice for the first time.

his son Prawn seems a mere story trumped up for the purpose of giving some shadow of credibility to the assertion that he carried with him his whole personal estate, and to account for the whole of it being given, as is pretended, to the youngest son. But we have no account of where this treasure came from, except that one person says he put Company's Paper on board his boat, into which we find him getting along with one Buxoo and some others; and a certain chest said to have contained the Companys paper,—and the length breadth and thickness of the chest are very minutely described, but what proof does this afford of its contents? It cannot be shown that he on this journey ever changed a Note but one for 10,000 rupees; but from the size of the chest alone they would have us conclude that it must have contained several lakhs. In short it was necessary for Prawn Kissen to get up this story in order to account for what became of his father's property before his death, that he might appropriate, as he had done, the whole to himself. Now as to the Will said to have been executed by Ram Hurree, there was no reason on earth why he should have given only four annas or sixteenths of his Estate to his favorite son Juggomohun (according to their own account) and 12 annas or three fourths of it to Prawn Kissen with whom they say he had quarrelled. The fact is, they have been too late of getting up this story of a quarrel, and in the purpose for which they invented it, they have completely failed. Like a two edged sword it cuts both ways; and if it could account for the personal property being gifted to Juggomohun, it increases in the same proportion, the incredibility of the unequal division of the real estate in favour of Prawn Kissen. Why have those who were so scrupulously minute in other places, recollecting every thing and accounting for every thing, been guilty of such an omission here? Although so fertile in invention so ready in expedients, had they no pretence left to extricate them from this dilemma? But to return to the making of this Will of Ram Hurree's, the witnesses say that they found him and Juggomohun sitting and conversing together, as if not the first suggestion of the subject but the result of previous consultation; that Ram Hurree immediately delivered over all his Company's Paper and Securities to Juggomohun. Now admitting their own story to be true, the mere delivery was not sufficient, for the Company's Paper ought to have been indorsed; and as to the Securities or Bonds from English Gentleman the case was much worse: they ought to have been assigned. Now the evidence would prove that Ram Hurree had up to that period kept these documents in his own possession, and the mere delivery of them would not do. Why have they not shewn that the Company's Paper was indorsed to Juggomohun, and the Securities rendered available to him? I admit that at this time there was Companys Paper in the Treasury in the name of Prawn Kissen; and this he adduces to prove that he had separate property of his own at that time; but the fact is that all the Companys paper belonging to the family was in Prawn Kissen's name according to the custom of the Hindoos, he being the elder son, and none at all in the name of Ram Hurree or Juggomohun.

I must now say something of the inconsistency of the testimony of the different witnesses; but by and by my learned Friend (the Advocate General) will tell your Lordship that the more improbable a story is, it is so much the more credible,—that the more the witnesses differ from each other the more they are to be believed!

#### ADVOCATE GENERAL—No. no!

Mr. FERGUSSON—He will state it more ingeniously, no doubt, than I can; he will express it to you in a much more plausible manner. He will tell you that the more they differ in small particulars, the more correct are they in the general substance. He will tell you the story of the three lawyers in which I will anticipate him. \* \* \* \* Now, unless I catch witnesses tripping in small particulars, how can I detect them at all? None of them will say that no Will was made—or differ from the rest in any material circumstance that would prove fatal to the cause of their own party; they are too well tutored and too much on their guard for that; and are only to be entrapped in minor matters for which inadvertently no previous arrangement may have been made. The witnesses say that Ram Hurree kept no books; a thing which cannot be believed; such a thing never was heard of; no Bengali with one tenth of his property but keeps books of some kind. They say that Ram Hurree made his Will without a draft: now I never in my life heard of a Bengalee Will being made without a draft; which is a thing altogether improbable. One part of this pantomime of the Will-making is, that when Ram Hurree proposed to make a Will, Juggomohun observed, "Do not trouble yourself about that; leave the management to my elder brother Prawn." This Will was farther said to have been made without any subscribing witnesses; and the most extraordinary part of the whole case is, that this document which conferred three fourths of the estate on Prawn Kissen remained in the possession of Juggomohun, the person whom it deprived of one half of his legal share of his father's property, and whose interest it obviously was to destroy it—if it ever had an existence. All the witnesses who seem to have been present at the making of the Will are persons dependent on Prawn Kissen. One of them (Parbutty Churn) says that when he entered the room (at Benares) where

Ram Hurree was he found him and Juggomohun sitting together and Ram Norayn Ghose and Cally Gatty Roy, two Brahmins and two servants. Ram Norayn on the contrary, says, that when he went into the room he found Ram Hurree and Parbutty Churn and two servants; that Cally-gatty came in afterwards, and then others of them. Again, one witness says that the inkstand was brought by a servant, another that it was taken out of Ram Hurree's box. Now it is in such particulars only that I can detect a false witness: their contradictions prove one of two things which are equally fatal to the case of Prawn Kissen; either that they are suborned and the whole is a fabrication; or that they are such persons as will easily swear to any thing whether true or false. In the main features of their story I cannot hope to detect them, such as the time, the place, the day and hour and room in which it was done; these circumstances are all settled and adjusted before hand; these are the regular Canons of Evidence which the Natives all know very well.

When Ram Hurree set out from Khurdah he had no intention to stop at Benares, but was on a pilgrimage to Allahabad, which, as is well known, is the holiest place in India, being situated at the confluence of the Ganges and the Jumna. He was however taken sick at Benares and Juggomohun, then at Allahabad, was written to that his father wished to see him at Benares. Juggomohun accordingly went by dawk and arrived at 12 o'clock in the day and his father died about 12 on the night of the following day or about 36 hours after. One of the persons said to be present at the making of the Will, Juggomohun left behind him at Allahabad: other persons are also said to have been present; if so the other side ought to have produced them. I need not produce them, because the proof rests with them. I deny the Will altogether, as a thing perfectly unworthy of belief. If Ram Hurree then made no Will, it is impossible that Juggomohun could have made one. It is impossible that the latter could have spoken in his Will of that made by his father if such a thing never existed. And even supposing Ram Hurree to have made this Will, how could Juggomohun be the only person that was acquainted with it (For we shall prove that it never was heard of during his life nor long after, by those best acquainted with the affairs of the family.) How is it possible that Juggomohun should be the only person who knew his father had given three fourths of his estate to Prawn Kissen? The latter does not pretend that he ever saw the Will or knew more of it than his brother chose to communicate to him: he never pretended during his brother's lifetime that he had a right to 12-sixteenths of the estate, and the only proof of this right, he says, remained in Juggomohun's possession. But the last witnesses of all swear to the most extraordinary thing, a thing that must of itself be damning to the cause. They swear that the circumstance of Ram Hurree having made a Will was spoken of in Prawn Kissen's Dasturkhana 15 days after Ram Hurree's Shradhu; that Prawn mentioned his having received a letter from his brother informing him of it. Why did Juggomohun, who had nothing to conceal, not announce it sooner; and why is that letter which informed Prawn Kissen of Ram Hurree having left him three fourths of his estate, and given to Juggomohun all his personal property—if such a letter ever existed,—why is it not produced? Another witness, a Coolie of a fellow, swears that he asked Ram Hurree at the time of making his will if he had provided for his wives in it. It is utterly incredible. No person who knows any thing at all of the Natives of this country will believe a word of it. They must think us dolts and ideots to expect us to believe in things that would stagger the credibility of children. It was an unparalleled piece of impudence to offer such evidence to the Court: the man who swore to such things ought to have been taken from the Box to the Verandah and whipped for swearing to what was utterly impossible.

With respect to the reading of Juggomohun's Will also, the Witnesses contradict each other. One says that the draft was read by Juggomohun, another that it was read by Ram Needee; and differing in such a material circumstance was sufficient to throw suspicion on that document even if it had not been proved to be a forgery by so many other circumstances. About 3 years after Juggomohun's death Prawn Kissen applied to have the Zumeendaries entered upon the record in his own name, on which Mr. Smith the Registrar ordered him to produce his titles. To this request it took Prawn Kissen no less than six months to produce an answer, having had full time in that interval to fabricate a Will. He did not produce this Will till he was goaded to it, till he saw it was absolutely necessary to produce a title of some kind. For three years he had made no mention of it; and as in the Mofussil great importance is attached to having such deeds registered, is it possible to believe that a man of Prawn Kissen's acentness and activity would have neglected so long, a formality deemed of such high importance. On what evidence does this pretended Will rest? There is not a single witness of any respectability to attest an act which among the Natives is the most public and most important of a man's life. Juggomohun would have called together his relations, friends, and neighbours, gentlemen of respectability of whom there are plenty in that part of the country, to witness this solemn act; not the low and worthless characters that have been brought from wherever they could be found, swear through thick and thin in this Court. If any person of respectability

was present, why was he not produced? Nobody is brought forward but the wretched creatures and dependents of Prawn Kissen. But how unnatural is the whole of the transaction! Instead of Prawn producing his Father's Will from a box, and calling Juggomohun to assent to it, here is poor Juggomohun made to go chattering about, telling every body, my father has made a Will leaving me on y 4-sixteenths of his estate and giving my Brother 12-sixteenths." It was generally believed in all Bengal that Ram Hurree died intestate, worth a great deal of property real and personal; that his two Sons succeeded to it equally, that they continued to possess it as a joint and undivided Hindoo family. When Ram Hurree went to Benaras, he could not have taken with him any considerable property; nothing more than was necessary to defray the charges of his journey and make some presents to the Brahmins; and that the residue of his personal property was all made over to Juggomohun rests on no better foundation than the rest of the story.

My Lord, I could have sitten down with great confidence after saying a very few words; so clear did I think the case of my clients that it seemed to me almost unnecessary to use any argument. Still I did not choose to leave this infant to the mercy of others (to whom the matter may be ultimately referred) who are not so well acquainted with the manners of this country; not his person indeed—that is safe—but his property, all except a pittance—for such it is—they would leave him. And now that the case is come before your Lordship,—I do not pray, bearing in mind the manner in which your Lordship is accustomed to dispense justice in this Court—but I hope in God you will protect this boy from those who wish to defraud him of the greater part of his paternal inheritance, and that your decision will put an end for ever to this cause.

A number of witnesses were then examined on both sides as to the fact of Ram Hurree and Juggomohun having died intestate or not, which examination occupied several days, and is by its length necessarily excluded from our pages. Suffice it to say that the witnesses for the Complainant (Prawn Kissen) swore almost unanimously that Wills were executed, and to various circumstances intended to corroborate this: the witnesses for the defence swore unanimously that with the best means of knowing, they had never heard of such Wills having been in existence till the matter was sometime ago brought into the Supreme Court; and also swore to circumstances that rendered it morally impossible such Wills could have been executed without their knowledge. There was oath for oath so equally balanced that had it been to be decided by mere swearing, it would have been impossible to say in whose favour to give it.

The ADVOCATE GENERAL shortly addressed the Court on the question whether or not the family was joint and undivided. Ram Hurree he observed was at one time a poor man and made his fortune himself by acting as Deewan to gentlemen high in the Civil Service. He was sometimes in the service of Mr. Harris at Nyacolly in the Salt Department which was then very flourishing; and continued in this situation, acting entirely on his own account till 1808. When Ram Hurree became a servant to Mr. Harris Prawn Kissen his son was about 22 years of age; an age at which according to the custom of this country, he was quite fit to enter into business; and he did so, and made money of his own quite unconnected with his father, and thus became possessed of a separate estate. Juggomohun also entered into the service of Mr. Achmuty at Allahabad; but he became unfortunate, and his brother lent him money, (as is proved by Juggomohun's authentic letters), sometimes small sums and sometimes very large sums; and thus saved his credit and one time saved his life. He sent him such monies, not as a claim due to him, or a matter of right, but as a loan or favour. They kept separate books, and Prawn Kissen carried on trade entirely on his own account, as an independent man, quite unconnected with his father or brother. He purchased from Mr. Fairlie, an Indigo Factory near Neelgunge; but this was after Ram Hurree's Death. Juggomohun had in fact lost heart and ceased to carry on business at all; and Ram Hurree confined himself entirely to the Salt Business, by which he acquired all the property he was possessed of at his death. His sons commenced business much about the same time as himself when he entered upon life, a second time, after his misfortunes, and they all did for themselves and were as separate and distinct from each other as it is possible for a Hindoo Family to be: the father is indeed the root, and they are by him in some respect connected; but they are at the same time separate in their business and fortunes.

Ram Hurree being a public servant, did not need many books; as he carried on no business except what was connected with his own department, which he did through the influence of the civil servant in whose employ he was: he is supposed therefore not to have kept any.

Sir FRANCIS MACNAGHTEN—He must have kept books containing the accounts relative to his Talook.

ADVOCATE GENERAL—These were altogether different; he must, no doubt, have kept such books. These are supposed to have been in the possession of Juggomohun's family; and it is extremely probable that Juggomohun's widows when they left the family house at

Khurdah took them with them. "These books (the learned Counsel concluded) we have not; and unless they can produce them. I dont think any body else has them."

A number of witnesses were then examined: and the Court afterwards proceeded to try the Issue whether or not Ram Hurree Biswas had made over the Talook called Churqaz to his grandson Anundo Moy, the son of Prawn Kissen. This was opened by the Advocate General in a few words. Ram Hurree had purchased the property in his grandson's name, and to make the matter more sure he had made it over to him by an express Deed of Gift. He (the Advocate General) did not think it would have been disputed; but since it was, they might as well prove it as they were about it.

Witnesses were examined accordingly, afterwards the Counsel for the Defendant addressed the Court:

Mr. FERGUSSON.—I am glad this case has not lingered: it is a nice short Nisi Prius case. The former cases will greatly assist your Lordship in forming a judgement of this. What would have been your Lordship's decision had you not seen the other cases, I cannot say; but if you were of opinion that the witnesses in the former instances spoke truth, you may no doubt believe them now. On the contrary, as Juggomohun's Will is notoriously a forgery, a writing of the same kind supported by the same sort of testimony cannot now be believed. Strange that we are called upon to believe that Prawn Kissen Biswas who is known to be the most sharp cautious and shrewd Bengalee you could meet with, allowed his fathers will to remain in the possession of the only person who had an interest in destroying it. It is astonishing that this man so circumspect for his own interest in all other respects, should have taken no precaution whatever not even that of registering it. Can your Lordship say than that Ram Hurree Biswas ever made any such Deed? According to the witnesses Ram Hurree made a present of a Talook called Churqaz to Prawn Kissen's son, Anundo Moy; he bought it in his name and for greater security he settled it on him by a Deed of Gift of date the 23d of February 1802. Neither is this deed registered; although by a previous Regulation enacted in the year 1791, all deeds were ordered to be registered. Neither is it written on stamped paper, as all such deeds were ordered to be written by a Regulation published in 1800. How then could Prawn Kissen, unless we give him credit for greater simplicity and folly than belongs to his character, have accepted a deed which if contested was not worth a rupee? It is impossible he could do it: the deed must have been manufactured since like the rest. Prawn could get people to forge the deed, to attest it, to write whatever he chose on the back of it; but he could not get stamps of any year, the date of the stamps being stamped upon them and varied from time to time; which it was therefore not in his power to alter as suited his purpose. He could get wretches to sign and to swear to any thing, but he could not get the Registrar's name upon it; the stamps and registers were beyond his power to falsify. If such a Deed was executed at the time alleged, why was it not duly registered: could Prawn Kissen have neglected to do what every one,—the merest fool even—in the Mofussil did? It is impossible. And what sort of witnesses does he bring forward to support him? One of them Gourmohun Singh swore to the identity of the Books, although he could not tell who had written in them for ten years! The same person swore on a former occasion that Juggomohun told him all the contents of his father's Will—that Will which never had a being. But it is unnecessary to recapitulate their falsehoods and contradictions as they are sufficiently known to your Lordship. They must all stand or fall together; they are all one set, one crew: a gang of perjured villains, creatures dependent on himself, tutored and brought into this Court by Prawn Kissen Biswas, in order to rob his nephew. If a man is found to have perjured himself once, he gives no farther trouble; his character is fixed and we do not need to prove his falsehood again. If these witnesses forswore themselves as to Ram Hurree's Will on a former occasion, they must be disbelieved to-day. Brijomohun Bundopodia says the fair Copy of the will was *read aloud* by Ram Hurree. Gourmohun Singh says the Draft (not the fair Copy) was *read aloud* by Brijomohun Bundopodia himself. A third witness who was next called, finding that the stories of his two coadjutors had clashed, was determined to contradict neither, and would not remember who was the person that read. He says Ram Hurree held the fair Copy, and Brijomohun the draft at the time, and that the fair Copy was read, yet he cannot recollect who read it. As these persons have blasted their characters in the former case, they cannot be believed in this, when the story they tell is in itself incredible. The making of the Deed of gift to Anundo Moy ought to have taken place in a public manner in the presence of the family and relations, and persons of respectability; instead of that it would seem to have been done in a corner, in presence of nobody but these wretches. It is impossible but Prawn Kissen must have been present at an act of so much interest and importance to him; if he was he must recollect who were present besides; and if any respectable men were present why did he not call upon them to testify to the truth of it? Why did he rest his case solely on his own creatures and dependents, who, it is well known from their situation, would readily come forward

to perjure themselves to serve him. It was altogether an unnatural transaction; and utterly incredible. All who are in the least acquainted with the manners of the Hindoos know that making such a deed is deemed a thing of great importance, a matter of almost religious solemnity; not a common occurrence to be smuggled over in this manner in private. The true reason why this Talook was bought, as we admitt it was, in Annundo Moy's name, was that Ram Hurree Biswas being Deewan to a Salt Agent and that Talook producing salt, he could not hold it in his own name according to the Regulations. But if your Lordship do not reject the evidence on which this deed of gift rests, I can see no reason why the whole case should not be decided on the same. One part of it is as true as another; it is a conspiracy the whole of it. Very little reliance can be placed on the evidence afforded by the deed itself; as the witnesses who swear to the hand writing cannot be believed. Ram Hurree's hand was well known to many respectable persons in Calcutta with whom he had transactions. Why have not some of the Shroffs, who are conversant in such matters, been called to identify it? Why have they not called upon any person worthy of credit? Besides, the evidence of hand writing is not of great value, especially in this country; as the Bengally signature are easily counterfeited; from whatever cause, much more easily than ours.

But independent of these minuter circumstances that are in themselves decisive in our favor, I rely upon the general aspect of the case: the want of the ordinary precautions; the want of evidence as to the verbal gift which was asserted; the absence of the necessary solemnities in executing the Deed of Gift; the impossibility of Ram Hurree holding the property in his own name; and the probability that he should substitute the name of Annundo Moy, who was the most convenient person in whose name to hold it. But when a Hindoo family is undivided (as this was) it does not signify in whose name property be: it still belongs to the family. And this property although in the name of Annundo Moy, still belonged in reality to Ram Hurree who held the titles, and descended of course to be divided among his sons and successors.

C. R. CROMMELIN, Esq. was examined as to his transactions with the family, chiefly to prove whether or not it was joint or divided. The latter part of his evidence was nearly as follows:—

Q. At what time was that account settled which Juggomohun superintended, and which was carried on through his Sirkar?

A. It was made up in 1802.

Q. Did the account terminate in December 1800?

A. No, the transaction went on.

Q. There might have been additions?

A. There was a separate account with Juggomohun from December 1800, and this account went on till December 1801, and was adjusted with interest up to the 30th of June 1802.

Q. Was the account of 1802 settled with Juggomohun personally?

A. I know it was settled with him on the 30th of June; but whether with him personally or not I cannot state positively.

Q. Can you state whether you had any distinct sums from Ram Hurree or Prawn Kissen while this account was going on, or subsequently?

A. I cannot say positively: I don't recollect: but it is possible, and very probable, there might have been other sums. There were several adjustments made.

Q. I suppose from time to time a settlement took place, and securities were given for the balances?

A. A receipt or acknowledgement of some description or other.

Q. Had you ever any personal intercourse with Prawn Kissen in the course of business?

A. I cannot speak positively as to in the course of business; but I have had personal interviews with him at various times.

Q. Did you transact any business with Prawn Kissen?

A. Ram Hurree was the original person of the family with whom I had to do; but it is not unlikely that I might have had transactions with Prawn Kissen also. I cannot say that Prawn Kissen was not the person through which the negotiations took place; but I do not recollect any specific instance of the advances being made through him.

Q. Had you much personal intercourse with Ram Hurree?

A. I had a good deal at first; and also afterwards, in particular when settling the accounts in June 1802.

Q. Where did this take place?

A. At Calcutta, and on the other side of the river at Gussarah. He came on board my boat; and for the last two days I saw him repeatedly about the adjustment of the account.

Q. Did you ever see Prawn Kissen about the adjustment?

A. I may have done so: I will not say I have not; but I do not recollect it.

Q. Had you no further transactions with the family after June 1802?

A. No, I left the Presidency at that time.

Q. Do you know whether or not there existed at that time any securities granted by you to Ram Hurree Biswas?

A. Yes, certainly; there may have been some; but I cannot be certain how many. On the ultimate adjustment of the accounts in 1806 I rather think there were no Bonds given to them. I think there were several old securities given back which would of course be destroyed in the first instance.

Q. But at the other Settlement?

A. There were several Bonds or acknowledgements due by me to the Biswas family in 1802; but they were given back at the adjustment in 1806.

Q. Did the settlement of 1802 comprehend any outstanding securities?

A. It only included Juggomohun's account.

Q. (From the bench) The only account settled in 1802 was Juggomohun's?

A. No other. The original loan was through Ram Hurree; and he took a bond for the money which at his desire was drawn in the name of Prawn Kissen, his eldest son, according to the custom of the country.

Q. Of course you did not know whose money it was?

A. I considered it to be the money of Ram Hurree as he was the original person with whom I had any communication.

Q. At the time of the settlement though Fairlie's House were there any outstanding Bonds of Ram Hurree and Prawn Kissen both?

A. I cannot say.

Q. You were not acquainted with the dealings of the Biswas Family?

A. Not at all.

Q. And they may have had individually transactions of various kinds without your knowledge?

A. Of course.

Q. I believe during all the time of your transactions with Ram Hurree he was a Deewan to the Salt Agent at Nyacolly.

A. I am not certain, but I left that part of the country in 1799.

(*Re-examined by Mr. Fergusson.*)

Q. To the best of your recollection, to whom were all the Bonds or acknowledgements granted?

A. These were granted to both Prawn Kissen and Juggomohun, either the one or the other.

Q. I think you said you recollect Ram Hurree desiring the first security that was granted by you to be made out in Prawn Kissen's name:—how was that loan made?

A. The loan was made by an order on a Banker at Dacca, procured to me by Ram Hurree.

The ADVOCATE GENERAL proceeded to make some observations on the case that had occupied the Court for so many days. In order to save time he would not recapitulate the evidence but merely give an abridged view of the whole. As to the first point, the Will of Ram Hurree, he thought he had established that firmly in spite of all that had been said against it. But in all questions with regard to Hindoo families it must necessarily be very difficult to make out by distinct pieces of evidence whether it be joint or divided. A Hindoo Family is a thing quite unknown to us: at least it is a thing foreign to our habits; and we naturally conclude that they are joint while they live together, and are not clearly proved to be separate in their properties. If while they carry on distinct lines of business it is proved that it all converges to one point—that all their savings are added to to one stock, or deposited as it were in one hive, we must no doubt conclude them to be joint; but on the other hand if each party carries on business on his own individual account, and there is no proof of such community of goods between the different branches, it is not necessary to prove that they are separate. But this is satisfactorily proved by a piece of evidence that has been brought forward against us, it was thought, with great effect. The witnesses on the other side have sworn positively that they continued joint all along, and if any part of their statement can be depended upon, this must be true. Now in a case that came formerly before the Court, Prawn Kissen during the life of his brother put in defense that they (the two brothers) lent the money quite distinct from their Father altogether. Their defense states that "they only had an interest in that loan," excluding entirely Ram Hurree Biswas. This clearly proves a separation with the Father. The Answer put in in that case also states (it is true) that when Ram Hurree died, they (his Sons) succeeded *jointly* to his estate; but it did not say they succeeded *equally*. However as that was quite immaterial to the point then at issue, such expressions might be made use of inadvertently as would seem to countenance the idea of their being joint, altho' had their attention been more particularly called to it, or the question had turned upon it, they would have declared themselves separate. Prawn Kissen said, I lent the money; but at that time they did not contemplate any ques-

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tion as to their division or otherwise. This transaction proved that Prawn Kissen and Juggomohun had transactions quite unconnected with Ram Hurree; that altho' they were a joint family, so far, yet they had separate funds. How else could they have made such large loans to the Debees?

I now come to Ram Hurree's Will which I ought properly to have taken first. There are, I must confess, some difficulties about it; but there are such about every Hindoo will. It is true it had not been made public in that manner that would have been prudent and advisable, and all the proper precautions had not been used; but this is by no means conclusive against it: human life is full of such occurrences: they originate in human nature itself: no man acts always as he ought to act: we omit many things from negligence that it would be wise and proper for us to do. Prawn Kissen had not put the Wills ostentatiously forward from a reluctance the Natives have to talk about and expose their private affairs. It now appears, that Ram Hurree was not the maker of all the property. He had previously to his entering the service of the Salt Agent at Nyacally fallen into misfortunes. He and his sons were at one time living together in one house on 15 rupees a month; and it appears that they afterwards all set out in business together. Ram Hurree got to be Deewan to a Salt Agent, which afforded him considerable means of making wealth—no ostensible means, it is true; but yet in this country we must take things as we find them. In this situation he may have made some money no doubt, but we must not swell it to an immoderate sum. He followed that line 20 years, after which he retired from business. It was during this time he made his money, which could not have been a great deal. He then went on pilgrimages to Juggernaut and various temples and holy places, in which he must have spent a good deal in travelling expenses and presents to religious men. On his last pilgrimage which was to Benares, he took with him whatever moveable property he had left, which amounted to 4 or 5 lakhs. It is not precisely stated in what species of property: it was supposed to be partly in jewels, partly in cash, and Company's Paper. The latter is negatived, and I admit that he could not have had much Company's Paper either in his own name or that of any of his sons at that time: this I admit, and it so far militates against the idea that he had much personal property about him; but on the other hand, it proves that he was not the wealthy man that was supposed.

Mr. FERGUSSON—It was proved by Mr. Oxborough that he had not lakhs of rupees in Company's Paper, as asserted by Prawn Kissen.

ADVOCATE GENERAL—Lakhs of rupees, is a very indefinite phrase, and cannot always be taken literally.

Mr. FERGUSSON—It is their case that he took 5] lakhs of rupees to Benares, and that the most part of it was in Company's Paper.

ADVOCATE GENERAL—We did not pledge ourselves as to what kind of securities the money consisted of: there certainly could not be much of it Company's Paper though some portion of it was. Here then was Ram Hurree at Benares worth about 8 lakhs of rupees; which is a large sum considering what he had spent at Juggernaut and elsewhere: for all Estates sink down, and seldom or never come up to repatriate; for when people are known to be rich their neighbours very charitably give them the credit of much more wealth than they really possess. Persons in the situation of Dewan make money not by cheating their masters, but by robbing the public through the influence of their office. Here, then, he is at Benares worth about 8 or 9 lakhs of rupees, and his object is to settle his property on his two sons. Our story is that he gave the residue of his personal property amounting to about 2 or 3 lakhs to his youngest son; and by his Will divided his real estate between them, giving the elder twelve-sixteenths of it and the other four-sixteenths. And this was not a very unequal disposition; he gave a very competent fortune to each and if there was a trifling inequality in favor of the eldest son, it was according to the customs of the Hindoos, and the natural feelings of men, and the youngest could not much complain. If our story be true, a Will of this kind was made; the witnesses swear to it very circumstantially. It is no doubt true that the witnesses brought forward on the other side swear to the contrary, as was to be expected; but the only direct negative is that of Sibhoo Pursaud Bonnerjee. Now, I beg your Lordship to recall to your memory what sort of a witness this was. He said he was stationed at Benares; that he had no employment there at that time, but he expected to get a situation, and that he was afterwards employed about a ghat. Now, I can really see no sufficient reasons for his being there at all, he has given no satisfactory explanation and appears to have been there for the very purpose of giving evidence. Why was he sent to Ram Hurree? If he had been a man of any sort of intelligence or possessed of my other good qualification, he might have been sent for as a Companion probably; but what pleasure or profit could he derive from the company of a man who evinced so much dullness and stupidity? Yet Sibhoo Pursaud seems to have been dispatched from Ghazepore on purpose and to have entered Benares on the very same day as Ram Hurree did; for what purpose is not satisfactorily explained. (The learned Counsel was informed that the same Sibhoo Pursaud accompanied Ram Hurree to Juggernaut.) Well, if he did

so, he must have been a very different man then from what he has become since; for without attaining any great age, the poor man seems to have survived his faculties, if he ever had any! This is the only man who swears positively against the facts mentioned by Parbutty Churn; and certainly his contradiction is not of much importance. He says that 5 days after Ram Hurree arrived at Benares he wrote to Juggomohun that he did not expect his father to live; Juggomohun who came by Dawk arrived at Benares in 4 days more or on the 26th of Poos. Now the father died on the 2d of Magh; yet Sibhoo Pursaud says that only 36 hours intervened between Juggomohun's arrival and Ram Hurree's Death; being determined to give him no time to make a Will. By our evidence he lived 10 days after his son's arrival. Part of Sibhoo's story was intended to get rid of Parbutty Churn's evidence altogether. This was found to be a formidable witness, and was therefore to be put hors de combat by some means or another. These witnesses therefore send him and some Brahmins away from the place altogether, to Ilahabad. They are said to have left Benares 10 days before Ram Hurree's Death; which was a good and a simple contrivance to get rid of them, the most convenient possible—to ship them off by water. But this, if it had any colour of truth in it, was merely antedating what actually happened afterwards. Kossinaut Doss and Parbutty Churn are also opposed directly; but why we should believe Kossinaut rather than Parbutty Churn, I really don't know. But it is by no means probable that the latter should carry Kossinaut with him as a servant. What is there in Sibhoo Pursaud swearing Parbutty was not there? It is merely swearing to a negative: they thus endeavour to prove an alibi; but an alibi is either good or bad as it is proved. It was swearing against a man's positive assertion as to what came within his knowledge, a thing that the other might remember or not. Whether John Doe or Richard Roe was in a certain boat twenty years ago or not, is a circumstance that nobody could be expected to recollect well. The witness assigned as a reason for his remembering so particularly, that persons who visited Benares always talked about it there whole lives afterwards, as a remarkable event in their history. Now if we suppose that this man was accustomed to entertain his friends as he sat at his own fire-side (If I may be allowed the expression) or at the sunny side of his own door, with a history of his travels to Benares, yet it is absurd to suppose that he would be always recapitulating that a certain Brahmin was in the boat with him at a certain time. They might talk about the tombs, temples, or other sights he had seen, but not about such an uninteresting circumstance as this, which was not worth the once mentioning, and was of no importance anywhere except in a Court of Justice.

As to the discrepancies between the several witness respecting the reading of the Will, we may well be surprised not that they differed from each other, but how they came to recollect so many particulars at all. My Learned Friend says, and says truly, that you can generally detect a false witness only in minute circumstances: but it must be such a circumstance as overthrows the whole arrangement of his story and proves it have been fabricated. But otherwise, although a witness is incorrect in one particular, it does not necessarily follow that the whole of his evidence must be false. I will not repeat that story which my Learned Friend has anticipated, but there is another which I have learned from Mr. MACTIER which occurred in this Court that will equally suit my purpose. Two Gentleman who were examined in evidence swore to things the most opposite, although they were in no way interested, and could not be suspected of a wilful falsehood. One swore that a deed, was signed in one room, on a particular day; the other swore that it was signed in a different room and on a different day, leaving an interval of several days between them; although the thing was of recent occurrence. Such a discrepancy would have shook the testimony of a Hindoo to the foundation, but the Court passed it over with its usual candor. We had an instance in Mr. Cromellin the other day, of a person not remembering clearly things that happened at a long distance of time, which however might have come more perfectly to his recollection if he had canvassed his memory much about them. He could not recollect, for instance, what sort of acknowledgments he gave to the Biswasses—whether they were Receipts or Bonds or other securities. Indeed nothing is more common than for people to forget what happened just the day before, and to dispute when they meet who left the room first, who left it last, &c. Such circumstances if not overthrowing the whole arrangement of the evidence, go for nothing. A fabricated story is less likely to present such discrepancies, for then the whole Drama of the evidence might have been gone over in rehearsal before hand; and so settled that none of the witnesses should be out in other parts: Here (they might have said) we will place Ram Hurree, in this place Parbutty Churn, and there Ram Joy Ghose; such shall be the order of their exits and their entrances, and such their several roles. Their story might have thus have been made perfectly consistent, but here we find only such differences as all men would make.

So much for what occurred at the scene of action: now for the accounts of the Will having been made reaching Khardah. One says one month after Ram Hurree's death, another 4, another 6 months after; but this difference of time is not very material; since time is a thing of which

we have a very vague notion, and one will think it long another short according to the state of his own mind. They all agree in this that the news did come. The witnesses who swear to Juggomohun's Will, swear besides that they knew it to be a fact that Ram Hurree made a Will, and that a Letter was written by Juggomohun giving his brother notice of it. "Where then is that Letter?" asks my Learned Friend. Our answer is simply this, that we have it not: it is very natural to suppose that it has been lost, or destroyed. This can excite no suspicion: for surely after forging ninety volumes of books, (they say we have forged no less than ninety volumes!) we need not have stuck at forging a letter if it had been requisite to produce one. To use a proverb of my own country, which is so well known that need only be alluded to—we need not have stuck at the "tail," after we had gone so far. The letter may very well have been lost: the error we unconsciously fall into in reasoning on such affairs, is, that in considering them we view them in connection with events that happened long subsequent; we cannot divest ourselves of our knowledge of their future consequences, and we thus pronounce that improper or ridiculous which at the time would have appeared to us the best and wisest thing that could be done. Who foresaw, then, that this letter was to be of any consequence so many years after? After a quarrel has taken place between two persons we pronounce their conduct foolish or absurd forgetting that they ever had confidence in each other. We view their actions through a false medium, being ourselves breathing in a new atmosphere of circumstances that never were anticipated. If we were to place no confidence in each other, but go on from day to day demanding proof and putting every thing on record, we should be obstructing each other in every walk of life. But if our witnesses are not free from objections, those adduced against us are not of a better description. One part of Sibhoo Persaud Bonnerjee's evidence had made every body smile. Ram Hurree carried along with him to Benares a Box in which he kept his Papers. Sibhoo Persaud, either from his own wisdom, or from some indiscreet tutoring imagined there was something of great importance in the fate of that box; he was apprehensive of the consequences of its being proved to have fallen into the hands of Juggomohun; and therefore gets up an improbable story that the key of it was given to the woman and that Juggomohun told him that the woman offered to give him (Juggomohun) the key; but he refused to take it. This is a good specimen of what those who had the tutoring of witnesses were capable of doing. As to Juggomohun himself, he seems to have been a person incapable of acting any very conspicuous part. There seemed nothing at all improbable in his making a Will. As he had lost two of his sons and was himself declining fast, it was the most natural thing he could have done. In that Will he recognises his fathers, and acts in conformity to it. Was any Will ever better proved than this of Juggomohun's? The witnesses swore to it in the most distinct and positive manner. Now they say, why have you not more witnesses. If we had had more, they would have represented it as a conspiracy, as an attempt to support it by the mere help of numbers. One does not know where to strike a medium not liable to objection. The only circumstance against the Will was that it exclude the mention of property which did not properly belong to Juggomohun. A number of witnesses swore in corroboration of those facts till your Lordship was tired hearing them. They differed indeed in minute circumstances, such a difference as will always occur whether a thing be true or false. These discrepancies are therefore no INDICIA, no test at all of the goodness or badness of the cause, as were you to be regulated by them, they would enable you to decide against a true cause as well as a false one. The witnesses could not be expected to recollect these events perfectly, as they were like any thing else, the talk of a few days and then passed into oblivion. Hindoos are not fond of talking about their property and exposing their private affairs which may account for any deficiency of evidence that may be apparent; and, if it be true, for the witnesses on the other side not being acquainted with these affairs. They go so far as to say that they did not hear of these wills from Juggomohun's Death till the time of the proceedings being instituted.

Sir F. MACNAGHTEN. From Ram Hurree's Death I believe.

ADVOCATE GENERAL. Yes, from Ram Hurree's death; but their hearing was nothing; it was not a topic for conversation; there was nothing in it to strike the imagination or attract attention. But to show how little they are to be depended on, they swear that they did not hear of Juggomohun's Will till the suit was instituted. Now the Will was produced publicly 9 or 10 months before that; and ceased then to be a matter of concealment, and therefore they should either have heard of it or this proves that such a thing might have existed long before without their knowing any thing about it. Had the question put to the witnesses been, was that Will ever produced to Mr. Smith, the Registrar? their evidence must have gone to negative that established fact: their negation then amounts absolutely to nothing: all that has been sworn for so many days about Juggomohun's Will, amounts really to nothing but to prove the ignorance of the witnesses. The question after all will come to the point with which my learned Friend set out. Is the thing probable or not? and on that it must be decided, I apprehend, not on the evidence.

Now as to the family being joint or divided. Let us consider what evidence of separation could reasonably be expected and then attend to what has been actually adduced. It is not probable that parties in such a case will make an open schism, that they will make a public division. Hindoo families are usually joint in their dwellings, their food and religious worship; and will continue to be so until new customs and modes of life are introduced among them. It may be true that the father and his two sons were perfectly undivided at the time they set out together in life, the father indeed for the second time; but joint in what? The property belonging to the family at the time was a mere trifle: they then began every man for himself; Ram Hurree became Dewan to the Salt Agent at Nycally: with this business his sons had nothing to do: he never attempted to place them in any manner in connection with that situation as distinctly proved by Mr. Crommelin. This Gentleman (to whom I am far from imputing any thing wrong) had a loan it appears from Ram Hurree, and it was very properly put in the name of Prawn Kissen, being a loan for a Salt Agent. But there were more loans than those mentioned by Mr. Crommelin, amounting in all to two lakhs and fifty thousand rupees, as exhibited by the papers; but I did not ask particularly about these things, as it was evident the transaction had not left that strong impression on his mind that could enable him to supply us with any precise information about the matter. All that clearly appears is that Mr. Crommelin received loans from Prawn Kissen and imagined the money belonged to Ram Hurree, but merely because the original transaction was with him. At the time of Ram Hurree's death, Prawn Kissen was about 40 years of age. He had therefore at this time, passed twenty years of a Hindoo's active life, since they enter into business very young. Prawn had carried on business entirely on his own account, and kept entirely separate books. The witnesses on the other side indeed admit all our facts: the distinct trade, the separate books; but they say all things were Ram Hurree's. Now I must recall to your recollection the transaction with the Debees: the witnesses say the family was joint and undivided then. But the answer put in for, the sons showed they had each distinct and separate funds of their own. It is true they admit themselves to be joint and undivided; but this was a mere inadvertency in drawing it up. When a man of mature age commences business in a different line from his father, he must be held to be acting solely on his own account. This is proved to have been the case with Prawn Kissen. After Ram Hurree's death, a new set of Talook Books were commenced with the new year, dividing the profits into two shares, one of 12 annas and another of 4 annas: whereas Prawn Kissen's, separate books go on all the time. But they got rid of these Talook Books entirely by saying they were all forged, that the real books were of larger size, that the differed in length breadth and thickness. Now the paper of these books, I am told, is the largest in use; so that they swear to a thing that is quite incredible. This is not like a case where the different members of the family are all carrying on the same trade; Prawn established a house in Calcutta and engaged in all sorts of concerns, buying and selling every thing by which a farthing could be made; Ram Hurree managed the affairs at Khurdah and Juggomohun was in the employ of other English Gentlemen. To give Juggomohun an equal share of the property with Prawn would really be robbing the hive of the industrious bee to replenish the nest of the drone. Prawn's books would have made the matter clear; but I was prevented from giving them in evidence because contrary to the rules of the Court, an objection however which is merely technical; and they ought, I think, to be admitted in such a case as this when necessary to elucidate the evidence. It is easily accounting for some things connected with this case not being generally known to all the witnesses: the Hindoos do not blow a trumpet when they are going to do any thing; they in fact do not like to expose their affairs; so it is nothing at all that Mr. Crommelin did not hear of the division. The objections to the character of the witnesses, that they are all under the influence of Prawn, is groundless; for who can give evidence to the internal affairs of a family but the servants, sirkars and others: they are really the only persons acquainted with them. Some of them coming under a false impression may possibly swear falsely, but surely that will not invalidate the general substance of the evidence which is well corroborated by all of them. It is quite clear that Prawn Kissen had separate funds and that he was the creator of that great wealth he is reported to possess, but which is really not so great as has been reported.

Sir FRANCIS MACNAGHTEN.—If I thought I should thereby give more satisfaction to myself and to others, I would willingly go over the whole of the evidence of this case again, voluminous as it is; but I have rummaged upon it day by day as it has come before me, so as to be now in possession of it as fully as I can ever expect to be. I shall take the last Issue first; that relating to the Dead of Gift of Churqaz, which I think ought to have been left to an action of Ejectment. Except the suspicion that attaches to the witnesses from the evidence they gave in the other cases, I know of no reason to doubt the Dead of Gift of that Talook. Prawn can not well be supposed to have entered into a fraud of this kind merely to secure one fourth of this small property, small compared with the whole estate; as other three fourths were his by his father's Will. Had the witnesses not disqualifyed themselves on the

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other Issues I should never have raised a question about it. However on the whole I think the Plaintiff has made out a title.

The other cases are of a very different description, and I think it would have been better if instead of so many separate Issues they had been all joined in one. In the first place there are two things very intimately connected with each other, the disposal of the moveable property of Ram Hurree and the making of his Will. It has been sworn that Ram Hurree gave the whole of his personal property to Juggomohun: of this great doubt must arise. Ram Hurree left his home about two years after he had retired from business, on a journey to Benares. He died there of the small pox—an unusual disease for a man of his age. Is it possible that on undertaking this journey, (as he evidently meant to return) that he could of a sudden have collected all his property together so as to leave no trace behind him? It is said he had had a quarrel with Prawn Kissen, which had commenced 5 or 6 months before, but had then increased and come to height; and that he had therefore left him and carried with him his personal property amounting to 5½ lakhs of rupees. And what does he do then? He gives 3½ lakhs of rupees to Juggomohun, of which 75,000 were to be paid to Prawn Kissen, and left the latter also three-fourths of his landed Estate. So that the son meant to be favoured is actually not favoured. Now as to this property, there is not a single witness who will venture to swear how much was in Company's Paper, or how much in any thing else. They say he squandered two or three lakhs of rupees on the way to Benares, where it was to have been expected, he would have occasion to spend much more than he could have any opportunity of doing on the road. It is utterly impossible to believe it: what could he have done with the money? We hear of no temple he had built, as is usually the case when Hindoos make pilgrimages, nor are there any other standing records of his munificence. The money he took with him is said to have been Company's Paper and other securities, in a sweeping manner. What Company's Paper is it possible Juggomohun could have got from his father in 1804, when from 1801 there is not a trace of any paper whatever in the treasury. A search was made for five years from that period, and Mr. Oxborough finds no trace of any paper in the name of Ram Hurree, or Juggomohun. It does not appear to me that any such thing could have taken place.

Now as to Ram Hurree's Will—the witnesses swear that he made one; but there is no positive circumstance to which they refer (nothing but positive swearing) to make us believe that such a thing was ever in contemplation. Ram Hurree would surely not have cut Juggomohun out of one half of his share without assigning a reason for it; especially in the state of mind he is then said to have been—at variance with Prawn Kissen: it is highly improbable. Again as to the Letter of Juggomohun informing Prawn of the making of the Will, there was every reason for the latter preserving it; it was his title, the only document he had to prove his right to three-fourths of the Estate. Why did Prawn Kissen not get the Will itself? Juggomohun showed no wish to conceal it when he voluntarily sent intimation of its existence; and when he made his own Will he put it ostentatiously forward, for which I can see no reason. I can see no reason indeed for which Juggomohun's Will was made at all, unless to introduce Ram Hurree's and to confess that he owed his brother 13,000 rupees, which the latter magnanimously forgave. I appeal to the common sense of any body, who knows any thing of this country, or of any country, can this be true? It would be mere simplicity and credulity to believe it. It is impossible to credit that Prawn Kissen would have suffered the terrors by which he held his property to remain in the hands of others: that he would have suffered Juggomohun's Widows and his son—these helpless women and an infant to have carried away his father's Will, Books, &c. out of the family house. It is not only inconsistent with the man's character; but he would have been acting like an ideot and driveller to have suffered two widows and an infant to carry them away, when he had a right to keep them. Where then are Ram Hurree's Books? I say where are they? Books he must have had; for there never was a Hindoo with one with one tenth of his property that did not keep books: this is well known to every body. Did he take them to Benares? Not surely those relating to the Talooks. I believe for my part that they were left at Khurdah with Prawn Kissen. If they had been taken to Benares they must have been given to Juggomohun who would not have concealed them: as he concealed nothing;—he did not conceal the Will which cut him out of one half his share of the property. Besides he had no interest in concealing these books. I believe, therefore, they remained with Prawn Kissen. Why then has he not produced them?

The next thing to be considered, is the contradictions of the witnesses with regard to Juggomohun's Will. Bishop Watson in his Apology for the Bible uses this argument: (an indiscreet one perhaps in that instance, yet brought forward with great force:) When parties are charged with a conspiracy to impose on mankind, and discrepancies are found between the different accounts they give of the same thing, these are a proof that there could have been no conspiracy; because those who wrote being their own masters, if they had had an understanding with each other could have brought the stories to coincide. This sort

of argument cannot I think be carried further than this. But when several witnesses are examined as to facts that came within their knowledge and one of them swears one thing and one another, this surely cannot add to the credibility of their testimony. It proves that they are of that description of persons who care very little whether what they swear be true or false. If Ram Hurree made no Will then Juggomohun's is a forgery: it is impossible it can be otherwise; for the latter seems, made for the very purpose of introducing the former. But at any rate why should Juggomohun have made such a display his father's Will? There was no occasion for it. Why should he have said that the houses purchased in his name were however not his but Prawn Kissen's? Such a Will is evidently the suggestion of Prawn Kissen himself, making out all the property to be his own. Juggomohun is said to have become much involved: why then did it not occur to Prawn at that time, to demand a sight of his father's Will and demand a separation from his brother? There are two things which taken together are quite unaccountable: the foolish display Juggomohun makes of his father's Will; and again this Will never having got into the possession of Prawn whose interest it was to have it. It is not necessary to say much of the evidence for the Defence: the onus probandi falls on the Plaintiff, and if he does not establish his case, it matters not whether the other side make out a good case or not. I must say that as far as regards these two points (Ram Hurree's and Juggomohun's Wills and the property said to have been given to Juggomohun) the Plaintiff's case is a complete failure. Although all the witnesses had sworn unanimously yet I could not believe it.

As to Juggomohun's Will, it appears to me very extraordinary that of all the followers on relations of Juggomohun's family, not one seems to have been present at the making of his Will. All the witnesses were Prawn Kissen's servants: so of Ram Hurree's Will; all were Prawn Kissen's Servants, except one, who was however as dependent on him as if he had been a servant. So far as I know, the witnesses on the other side, I mean the members of the family, are independent, and men of respectability. I know nothing of their private characters; but they gave a simple and natural account of the matter, and were apparently untroubled. Only one of them seemed somewhat dull, and stupid, and had not made much progress in his books: this was the greatest reproach that appeared against him. Prawn Kissen is a man of immense wealth; at least he gets the character of possessing incalculable riches; and there can be no doubt he is in very good circumstances, and has in abundance the means of corruption. The other party, for the boy, who is kept out of the property—what means have they to be compared with his? Although they had an equal inclination to corrupt witnesses, it is physically impossible they could be equally successful. I therefore feel myself compelled to prefer the Defendant's witnesses to the other. But if all the witnesses were equally to be believed, it is impossible the Plaintiff should get a verdict, not having made out his case.

Now as to the division of the Family: I admit the force of the Advocate General's Observation, that the answer put in by the brothers in the Debees' cause might have been so drawn up from inadvertency, it being a matter of no import in that case whether they were joint or not; but as it stands recorded, I think we must take it as it is. I cannot agree however with the Advocate General that the words in the answer, which are, that "Prawn Kissen lent the money for himself and Juggomohun" mean that he lent his own money. These words occur repeatedly and could not be interpreted to mean that without great straining. It is clear that at that time Prawn never contemplated a division, and it is now impossible he can establish it. While he lent money for himself and Juggomohun it appears he took the security for it entirely in his own name. Is it possible he could have done so unless their affairs had been so joined and interwoven together that it was indifferent whether it was granted to one or the other? After this, although it were proved that all the Books were made out in Prawn Kissen's name, it would go for nothing. It is proved that Prawn Kissen was the manager, being the more active men of the two. There never was a family yet but one individual had more power or influence than another, according to their several abilities or dispositions. One witness contrary to his own wish had admitted that his wages were raised by Juggomohun not by Ram Hurree. This shews they were joint and undivided. Indeed I am aware of no act by which a father can separate himself from his family. He may dispose of all his property; but in this case it is not proved that he attempted to do so; and when he died, therefore, according to the principles of Hindoo Law his Sons were Sharers of joint and undivided property. Mr. Crommelin states that he received a loan from Ram Hurree and gave a security for it, not to him, but to Prawn Kissen. Again, Juggomohun is for sometime a house servant of Mr. Crommelin and the balance in the account with him is carried to the Books of Prawn Kissen, which proves that the debts or Money were not one's more than another's, and there was no division of property.

I did not intend to say so much, but having fully considered the case, I wished to state the grounds of my opinion. As to what decision

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I should give, I had no doubt whatever. I state my opinion thus strongly in justice to the Plaintiff, lest the case should be carried beyond me; and if I am found to be wrong there will be the more reason in future to question my judgement. I think the proof of the family being joint and undivided the most conclusive possible. In 1801 when the affairs of Prawn Kissen were flourishing as much as ever they did since, there was not a bit of Paper in the treasury in his name. In 1802, when the tide of wealth did not flow upon him with greater rapidity, he received the interest on the same Paper which Ram Hurree and Juggomohun had drawn the year before as proved by Mr. Oxborough. After such a fact as this, all the swearing that could be sworn from Calcutta to Benares and from that back to Khardah, would not convince me that the family were not joint and undivided. But it is not a transaction beyond the memory of men; and I will venture to say that of all the Natives who now hear me, there is not one of any respectability who could not tell us whether Ram Hurree and his family was divided or not. The better sort of Natives have great meetings and friendships among themselves, and are acquainted with each others family affairs. There are hundreds and hundreds in Calcutta who must know the fact: why has not a single respectable Native been called to give evidence? The want of this kind of witnesses is a strong feature in the case, and is fatal to the character of the Plaintiff. Of the five facts set forth in these Issues there can be no doubt of that four are false. But it would be carrying suspicion of the witnesses too far, I think reject the Deed of Gift of Churquaz, since there seems to be no other circumstance which can throw any doubt upon it.

On the 11th instant, The Advocate General in a very able Speech moved for a rule nisi why there should not be new trials of the several issues found against his Client. The Court however refused the application in the first instance.

### Shipping Arrivals.

#### CALCUTTA.

Date	Names of Vessels	Flags	Commanders	From Whence	Left
April 13	Windsor Castle	British	S. Lee	Madras	April 4

#### MADRAS.

Date	Names of Vessels	Flags	Commanders	From Whence	Left
Mar. 28	Dunigan Castle	British	D. Campbell	Calicut	Feb. 27
29	Lady Flora	British	J. D. Arnes	Sea	

### Shipping Departures.

#### MADRAS.

Date	Names of Vessels	Flags	Commanders	Destination
Mar. 29	Barossa	British	H. Hutchinson	London
29	Florentia	British	S. Remington	England
29	Britannia	British	W. Luke	London
29	Lady Flora	British	J. D. Arnes	Sea

The BRITANNIA and ELIZA arrived off Calcutta on Friday last.

The Ship GANGES, Captain W. Chivers, for London, and Ship HASHMIV, Captain J. J. Denham, for Bencoolen, are expected to sail in a day or two.

### Passengers.

List of Passengers per WINDSOR CASTLE, Captain Simon Lee, from Portsmouth the 9th of November, St. Jago the 8th of December, Colombo the 20th of March, and Madras the 4th of April.

From London.—Miss Carr, Mr. Hoddart, Messrs. Arabio, Matthie, Trimmer, and Tritton, Cadets.

From Madras.—Lieutenant Thrope, Bengal Native Infantry, and Mr. Stritch, Proctor.

Landed at Ceylon.—Lieutenant Colonel Sullivan, His Majesty's 1st Ceylon, and Mr. and Mrs. Henry Mathews, His Majesty's Advocate Fiscal Ceylon.

Landed at Madras.—Mrs. Osborne, Mrs. Junies, Mrs. F. Robson, Mrs. Collie, and Mrs. Crisp, Miss Wallace, Captains B. Combe, Osborne, Junies, Robson, and Hodgson, of the Madras Native Infantry, Messrs. Grant, Walker, Hill, Brown, and Harper, Cadets; Messrs. Collie and Crisp.

### Births.

On the 13th instant, Mrs. J. W. ROBERTS, of a Daughter.

On the 10th instant, Mrs. S. M. GOODALE, of a Daughter.

At the Parsonage, Kaira, on the 14th ultimo, the Lady of the Reverend SAMUEL PAYNE, of a Son.

### Native Government of Oudh.

To the Editor of the Calcutta Journal.

SIR,

The distracted state of this unhappy country cannot fail to attract, it is to be hoped, the serious attention of the British Government, which must ere long become the arbiter between an oppressed people and a tyrannical Minister. The affairs of the province of OUDH are deranged to a degree that must shortly bring them to a crisis. It is easy to foresee the fate of a country, whose revenue and resources barely equal, or fall short of its expences, in which there is security for neither person nor property; where all Public Officers are disposed of at the will of the Minister, regardless of merit or claim, where the voice of truth is stifled by the influence of venality, and where every upright and honest man is banished the Court and Councils of the Sovereign. What crime was committed by Muntuzum-ood-Doulah, Mehdee Ali Khan of Seetapoore, the Nazim of Khyrabad, that he was obliged to fly and find an asylum in the Company's Territories? The expence and injury done by 800, or 1,000 elephants (I have heard their number estimated at 1,400, divided among differentis is enormous). If their food is not paid for they must prove ruinous to the country.

The whole of the King's native followers and retinue, live on the produce grain of the land, almost totally free of personal expence, and every man one meets in OUDH nearly is "Padshah ka Nuskar." What is the nature of the finance, Civil, Military and Judicial Departments in the province of OUDH? What number of people compose them, and what their receipt and emoluments? What natives are fed out of the Royal Treasury, and what are their several occupations and salaries? What Public Institutions exist in the country, and how supported? What is the salary and perquisite of Agameer, the Minister, and what wealth has he amassed? What are his daily expences, and what palaces has he built or is building? The true answers to these questions, will in some degree account for the present state of the Government of that misgoverned country, the most delightful and fertile, and rich in natural productions in Asia. The King we know is a most excellent man, but entirely in the bands of his favorite, his once common Khidmatgar, now become an oriental despot, who has engrossed the whole power of the state, legislative and executive, and rules the country with the functions of Royalty. The origin of the misunderstanding between the King and Heir Apparent, may be here hinted. The cries of the oppressed have reached the Prince who has listened to them, but he has not influence over his Father, sufficient to remove the cause. Agameer, against whose abuse of power, the voice of the population has long been raised. What are Qasim Ali's (of Akhberpoor) offences, against whom a Military force is proceeding? But he is not the only object singled out for their operations. What are His Majesty's troops about, that he cannot make his collections by their means? Every one who knows the treatment this rabble soldiery receive, is surprised at the subordination and forbearance of troops, constantly so many months in arrears, as to be obliged to resort to plunder for the means of subsistence. How often are they threatened by punishment, through our Battalions at Lucknow, who have sometimes moved out with guns towards the city to quell a mutiny of these Royal Defenders, or rather to silence their remonstrances and clamours for their just dues. This is a common trick to frighten these ill-used men into the measure of compounding to receive one half or less of their arrears, losing the remainder. The reason things do not come to extremities is, the apprehension of the Court that some investigation on our part will follow. I lately passed through much of this fine country, and was shocked at the melancholy sight of towns and villages falling to decay, the thinness of the population, of arable land miles in extent lying waste for want of hands to cultivate it. The greatest abuses are to be found in the imposts on merchandize, and in the exactions of the Police, if the term Police can be applied to such a set. These topics might, Mr. Editor, be introduced with a pretty exordium, and qualifications, so as not to vibrate too harshly on the tender ears of Royal Contiess; but your columns are too valuable for verbosity, and conciseness is now to the purpose.

Your humble and obedient Servant,

Upper Provinces, January 1822.

MUSAFIR.

### Marriage.

On the 13th instant, Mr. SAMUEL AUSTIN, to Miss MARY ANN DE SOUSA.

### Deaths.

On the 8th instant, at Burrisol, in the Backergunge District, Mr. JOHN GILL, many years Writer in the Judge and Magistrate's Office of that Station, aged 43 years.

At Port Louis, on the 1st of November last, ELIZABETH SARAH, eldest Daughter of WILLIAM MILLBURN, Esq. in the 21st year of her age.

## EXTRA SHEET.

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## Review of New Books.

LONDON LITERARY GAZETTE, OCTOBER 27, 1821.

*Travels in Palestine, through the Countries of Bashan and Gilead, East of the River Jordan; including a Visit to the Cities of Geraza and Gamala, in the Decapolis. By J. S. Buckingham, Esq. Member of the Asiatic Society, Calcutta, and of the Literary Societies of Madras and Bombay, 4to. pp. 554.*

Since the publication of our last number, Mr. Buckingham's splendid volume has issued from the press; and, as the curiosity of our readers will, in some measure, have been excited by the notice already given of this distinguished Traveller, we shall hasten to lay before them an account of the work itself, with extracts from such portions of the relation, as would seem to us most novel and interesting. There have, it is true, been many travels through the Holy Land in the course of the last twenty years; but the cradle of our religion, the birth-place of classic fable, the scene of all that is venerable in Holy Writ, and the theatre of the most heroic exploits, during the Jewish, the Roman, and the Saracenic wars, cannot well be too frequently or too minutely described; and that author must be dull indeed, who should prove unable either to correct or add his share of information to the labours and researches of those who have gone before him.

"I come like those who have preceded me (says Mr. Buckingham) with a profession of dissatisfaction at the incompleteness of all that has been written before, and with the belief and assurance that I am able to add something new and interesting to the general fund of human knowledge, and, more particularly, to our local acquaintance with Judea."

By far the most important part of these travels, and that which may be termed entirely new, is the description of Bashan and Gilead, east of the Jordan. No traveller, whose works are before the public, has ever hitherto explored the country beyond this river; and as Mr. B.'s account of this neighbourhood occupies the greater portion of his volume, the acquirement of much and valuable information will naturally result from the perusal of his pages; rendered as they are peculiarly pleasing, by a correct and elegant style, and a clear but comprehensive description of the objects which have engaged his attention.

Mr. Buckingham left Alexandria in a skutoor (shaktoor), or small vessel peculiar to the Syrian coast, on the 25th of December, 1815. The captain and crew, altogether ten in number, were Syrian Arabs of the Greek religion. They appeared to be entirely ignorant of navigation, and quite incompetent to manage the vessel. Besides these men, there were on board about ten passengers of different countries and persuasions, who were, for the most part, compelled to remain upon the deck, as the cabin was so small as scarcely to admit of a person's sitting upright in it. The following curious instance of superstition is related by Mr. Buckingham;—they had all suffered considerable inconvenience from a dead calm and want of water:—

"The moon had a set in a dark bed of rising clouds, and the whole appearance of night portended a western gale. Not more than twenty quarts of water, and this extremely foul, now remained for the subsistence of about twenty persons, so that the anxiety with which every eye was directed towards the quarter from whence the wind was desired, may be readily conceived.

"The dawn opened, however, and not a breath of air was yet stirring. Prayers and incense were resorted to, and the tone of all those engaged in offering them, had sunk from confidence to melancholy despair. The men were evidently terrified at the prospect of approaching death, and their whole conduct, in this respect, (they were of the Greek church,) formed a striking contrast to the calm resignation of the Mahomedans on board, who continued to preserve all their former tranquillity, and console themselves with the assurance of their prophet, 'God is great and merciful, and what he has decreed must come to pass.'

"When prayers were ended, a straw mat, on which the captain slept, was let down into the sea; with the shreds of another mat torn up for the purpose, a fire was kindled thereon, and the whole was pushed from the vessel's side as a burnt offering to the God of the Winds. I had at first conceived that the object of this ceremony was chiefly to mark the direction which the smoke would take when free from the influence of those eddies always occasioned by the flapping of a ship's sails in a calm; but it afterwards appeared that it was, in every sense, a sacrifice, from the peculiar marks of which our future fate was to be augured. If the flame burnt clear and bright, so as to be distinguished plainly through the thick smoke of the damp straw; if it continued unextinguished until the fuel became a heap of ashes; and if it returned not again to the vessel, but drifted in some other course; all these were to be so many proofs that the fire thus kindled should triumph over the element on which it floated; and that the God, to whom it ascended, had heard our prayers, and would not suffer that element to witness our destruction. Every omen was favourable; the mat floated from us

from the mere impulse with which it was pushed from the ship; and the heat of the flame was sufficient, amid the stillness of the calm, to attract around it a sensible motion of the colder air, so as to feed the fire till most of the fuel was consumed.

"The joy of every one was not only extreme, but almost as boisterous as their rage and disappointment on the preceding day; and, to crown the whole, in less than an hour afterwards, the glassy surface of the waters began to be ruffled by light airs from the south and from the west."

After weathering a very severe gale, during which Mr. Buckingham's personal exertions were put in requisition to save the vessel, she passed into the harbour of Soor. In this place, the ancient Tyre of the Scriptures, our traveller observed an article in the costume of the women of that city, which seems to illustrate an hitherto obscure passage in the Psalms.

"In the court of the house where we lodged, (says Mr. Buckingham,) I observed a female, whose garments appeared to resemble those of the Jewish women in Turkey and Egypt. The face and bosom were exposed to view, and the waist was girt with a broad girdle, fastened by massive silver clasps. This woman, who was a Christian, wore also on her head a hollow silver horn, rearing itself upwards obliquely from her forehead, being four or five inches in diameter at the root, and pointed at its extremity; and her ears, her neck, and her arms, were laden with rings, chains, and bracelets."

"The first peculiarity reminded me very forcibly of the expression of the Psalmist, 'Lift not up thine horn on high; speak not with a stiff neck: all the horns of the wicked will I cut off, but the horns of the righteous shall be exalted.'

After paying a bill at the inn at Soor, of seventy-four piasters for only two days, and reading the inhabitants a severe lecture on their rapacity, Mr. Buckingham and his companion pursued their route from Soor to Acre. On his arrival at El Mufshoor, a village in its vicinity, he was informed that the struggle between the French and English for that place was still remembered. The latter are uniformly spoken of with the highest consideration and respect. An old man, who had been an eye witness, recounted to them, with much minuteness the circumstances of the siege of Acre. The amount of the charges against them was very different from that paid at Soor; the whole demand including provisions for four persons and their animals, was only three piastres and a half, or little more than half a dollar. They entered the town of Acre that evening on foot.

"The approach to this city (says our author) is rendered interesting by the appearance of gardens and uncultivated land without, and by the full foliage of innumerable trees, rearing their heads within the walls. The town itself stands at the extremity of a plain on the sea shore, insomuch that we were obliged to descend on approaching its south-eastern gate of entrance."

The following anecdote is related by Mr. Buckingham of Hadjee-Almet Pasha of Acre, commonly called Jezzar, or the Butcher:—

"He was a man famous for his personal strength, his ferocious courage, his cruelty, and his insatiable avarice, as well as for the great power which the active exertion of all these qualities together procured for him. Some short time before his decease, he was conscious of the approach of death; but so far from showing any remorse for his past actions, or discovering any indications of a wish to make atonement for them, the last moments of this tyrant were employed in contriving fresh murders, as if to close, with new horrors, the bloody tragedy of his reign. Calling to him his father-in-law, Sheikh Taha, as he himself lay on the bed of death, 'I perceive,' said he 'that I have but a short time to live. What must I do with these rascals in my prisons? Since I have stripped them of every thing, what good will it do them to be let loose again naked into the world? The greatest part of them are governors, who, if they return to their posts, will be forced to ruin a great many poor people, in order to replace the wealth which I have taken from them; so it is best, both for their own sakes and for that of others, that I should destroy them. They will then be soon in a place where they will neither be permitted to molest any one, nor be themselves exposed to molestation. Yes, yes! that's best!—dispatch them!' In obedience to the charitable conclusion of this pathetic apostrophe, twenty-three wretches were immediately added to the long list of the victims of Jezzar Pasha's cruelty; and, it is said, they were all of them thrown into the sea together, as the most expeditious mode of execution."

On the 11th of January, 1816, the travellers left Acre for Nazareth, where they arrived after a journey of about nine hours. From the mountain above this town, they had a view of Mount Carmel and the Bay of Acco.

"The hill (says Mr. Buckingham) was so steep and rugged, that we were obliged to descend it on foot; and if it were the precipice from

which the men of Nazareth threatened to cast down our Saviour headlong, as related by St. Luke, it was a station well adapted for the execution of such a deed of death."

The fixed inhabitants of Nazareth are estimated at about two thousand; five hundred of whom are Catholic Christians, about three hundred Maronites, and two hundred Mahomedans, the rest being Schismatic Greeks.

"The church of Nazareth (observes Mr. Buckingham) is built over a grotto, held sacred from a belief of its being the scene of the Angel's announcing to Mary her favour with God, and her conception and bearing of the Saviour. On entering it, we passed over a white marble pavement, ornamented in the centre with a device in Mosaic; and descended by a flight of marble steps into a grotto beneath the body of the church. In the first compartment of this subterranean sanctuary, we were told had stood the mass which constitutes the famous chapel of Loretto, in Italy; and the Friars assured us, with all possible solemnity, that the angels appointed to the task, took out this mass from the rock, and flew with it, first to Dalmatia, and afterwards to Loretto, where it now stands; and that, on measuring the mass itself, and the place from which it had been taken, they had been found to correspond in every respect, neither the one by the voyage, nor the other by age, having lost or altered any part of its size or shape.

"Proceeding farther in, we were shown a second grotto, or a continuation of the first, with two red granite pillars, of about two feet in diameter, at its entrance; and we were told, that one marked the spot where the Virgin rested, and the other where the Angel stood when he appeared to Mary, exclaiming, 'Hail thou, that art highly favoured! the Lord is with thee; blessed art thou among women.' The pillar on the right is still perfect, but that on the left has a piece of its shaft broken out, leaving a space of about a foot and a half between the upper and under fragment. The latter of these continuing still to be supported by being firmly imbedded in the rock above, offers to the eyes of believing visitors, according to the expression of the friars, 'A standing miracle of the care which Christ takes of his Church,' as they insist upon its being supported by the hand of God alone.

"The grotto here, though small, and about eight feet in height, remains still in its original roughness, the roof being slightly arched. In the outer compartment, from whence the chapel of Loretto is said to have been taken, the roof as well as the sides have been reshaped, and plastered and ornamented, so that the original dimensions no longer remain; within, however, all is left in its first rude state, to perpetuate, to future ages, the interesting fact which it is thought to record.

"Passing onward from hence, and ascending through narrow passages, over steps cut out of the rock, and turning a little to the right, we came to a chamber which the friars called 'La Cucina della Santa Madona.' They here showed us the chimney of the hearth on which Mary warmed the food of Jesus while yet an infant, and where she baked the cakes for her husband's supper when he returned from the labours of the day. This was an apartment of the house, as they observed, in which the Son of God lived so many years in subjection to man; as it is believed by all, that he was brought up from childhood to manhood in Nazareth.

"The fact of Joseph and Mary having resided in this house, and used the very room in which we stood as a kitchen, has nothing at all of improbability in it; and as excavated dwellings in the side of a steep hill like this would be more secure, and even more comfortable than fabricated ones, it is quite as probable that it might have really been the residence of the Holy Family as of any other, since it is here, in the midst of Nazareth of Galilee, where Joseph and Mary are admitted to have dwelt, and the child Jesus to have been brought up.

"The church erected over this sacred spot is large, and well furnished with some few tolerable paintings, but still more gaudy ones. It has also a double flight of marble steps, and a gilt iron rail-way, leading up on each side of the grotto, which is left open, and faces the entrance to the church, producing an impressive effect. Below, in the grotto itself, is an altar of white marble, very finely executed, and a painting of the Annunciation, of great merit, as far as could be judged in this obscure depth, except that its effect is lessened by a diadem of gold and precious stones on the head of the Virgin.

"Among all the pictures, I observed a departure from costume and propriety, which could only be accounted for by religious zeal. Joseph, the carpenter, was arrayed in purple and scarlet; Mary, beautiful, and dressed in the richest robes. If the painters could have taken their models from among the same class of people at Nazareth now, they would, perhaps, have approached nearer to truth; as these are, probably, still very similar in person, complexion, and apparel, to those described in the history of those times. In Europe, remote from the scenes themselves, Scriptural subjects may be treated in any way that best displays the talent of the painter; but it is impossible to witness certain delineations of country and costume upon the spot where the scene itself is laid, without being forcibly impressed with their want of even general resemblance.

"There is an organ, which is played by one of the friars; an abundance of fonts, and altars, and candlesticks; a fine sacristy, or dressing room, for the priests; and store-rooms for the moveables of the church, consisting of flags, tapers, silken curtains, silver crosses, incense-pots, &c. &c. exhibited only on festival-days."

After accomplishing the ascent of Mount Tabor, they passed on to Cappha, distant about three leagues from Acco.

"Here (says Mr. Buckingham) we visited the monastery, which stands on the summit of Mount Carmel, near the spot where Elias offered up his sacrifice, and which gave rise to, and remained for a long period the head-quarters of the order of Carmelite Friars. It appears to have been a fine building, but it is now entirely abandoned, and the monk who has charge of it lives in the town of Cappha below. During the campaign of the French in Syria, the monastery was made an hospital for their sick, for which its retired and healthy situation, as well as its interior structure, admirably adapted it."

Doné, Cesarea, and Jaffa were subsequently visited. We quote Mr. Buckingham's account of Buonaparte's massacre of the citizens of the place:

"The fact of Buonaparte's having murdered his prisoners in cold blood had been doubted, from the mere circumstance of the consul having omitted to mention it; though he had not been once questioned as to the point. This, however, I was resolved to do; and, in reply, we were assured by this same consul's son, Damiani, himself an old man of sixty, and a spectator of all that passed here during the French invasion, that such massacre did really take place, and twenty mouths were opened at once to confirm the tale.

"It was related to us that Buonaparte had issued a decree, ordering, that no one should be permitted to pass freely without having a written protection bearing his signature; but publishing, at the same time, an assurance that this should be granted to all who would apply for it on a given day. The multitude confided in the promise, and were collected on the appointed day, without the city, to the number of ten or twelve hundred persons, including men, women, and children. They were then ordered on an eminence, and there arrayed in battalion, under pretence of counting them one by one. When all was ready, the troops were ordered to fire upon them, and only a few escaped their destructive volleys. A similar scene was transacted on the bed of the rocks before the port, where about three hundred persons were either shot or driven to perish in the sea, as if to renew the deeds of treacherous murder which the men of Joppa had of old practised on the Jews, and which their heroic defender had so amply avenged."

Our traveller journeyed next to Ramlah, and through the mountains to Jerusalem, and visited Bethlehem, and the cave of the Nativity.

"The principal sanctuary of Bethlehem is the grotto of the Nativity, the descent to which is by twenty or thirty steps, all below the general level of the church. These lead down narrow and winding passages, so as to render it altogether certain that this could never have been the stable of an inn, without some material alterations in its construction; since, at the present moment, it is difficult even for men to descend into it, and cattle could not do so at all by any passage that I could perceive.

"Here, however, we were shown a cave, very splendidly ornamented with a marble pavement, recesses decorated with sculpture and painting, and a double row of massive silver lamps, of exquisite workmanship, furnished by the patrons of whoever may share the possession of the Altars. Among the paintings, a concert of angels, celebrating the birth of Jesus, seemed to possess great merit; though there was something strange to my eye in observing one of those angels, whose wings were expanded, seated on a cloud, with a huge violoncello between his legs, and the bow in his right-hand. Another, of the Eastern Magi adoring the infant Saviour, and angels bearing censers of incense, was equally beautiful. Beneath this last is a marble altar, and still below it, a semicircular recess, ornamented at the back with some fine sculpture on white marble, and hung around with large silver lamps kept constantly burning. Here is shown, upon the pavement, an inlaid star, which is said to mark the spot of the Saviour's birth, and to lie immediately underneath the point of the Heavens where the Star of the East became fixed in its course, to direct the Wise Men to the object of their search.

"The fact of this grotto having been a stable, and the place in which the star is seen, a manger, seem improbable, chiefly from the difficulty of access to it in its present state; but, if the means of entrance were formerly more open and enlarged, the subterranean excavation might as easily have been attached to an inn as to any other kind of building. As such, it might have been occasionally appropriated to the reception of guests; particularly on an occasion like that described by

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St. Luke, who says of Mary, 'and she brought forth her first son, and wrapped him in swaddling-clothes, and laid him in a manger, because there was no room for them at the inn.'

"The possession of this spot, once so mean and insignificant, is now disputed by contending sects of Christians, with the same rage and animosity as that which marks their struggle for the command of the Holy Sepulchre. During the last Christmas only, at the celebration of the Feast of the Nativity, at which Mr. Banks was present, a battle took place, in which several of the combatants were wounded, and others severely beaten; and on the preceding year, the privilege of saying mass at the altar, on a particular day, had been fought for, at the door of the sanctuary itself, with drawn swords."

We regret that we must break off here, at the most interesting portion of the volume; for, as we have already remarked, the latter half of the work, containing the account of Bashan and Gilead, and the country beyond the Jordan, is most valuable, because the subject has never been touched upon before. Our next notice will contain Mr. Buckingham's visit to Calvary, and the Tomb of Christ.

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The next objects of Mr. Buckingham's research were the cisterns of Solomon, and Ain Karim, the birth-place of John the Baptist. From this latter place he proceeded to Jerusalem, where, having arrived five minutes after sun-set, he was compelled to wait before the gates of the city, until a formal application had been made to the governor to admit him. The first morning after his arrival he visited the Latin Convent, the house of Uriah, the pool of Bathsheba, and the palace of David; in the street beyond which was shown the place said to be that at which Christ appeared to Mary Magdalene and the other Mary, after his resurrection, when he cried to them, "All hail!" and they held him by the feet, and worshipped him.

On January 26th, 1816, Mr. Buckingham, accompanied by Mr. Banks, investigated the tomb of Christ.

"Our stay in the sepulchre itself," says he, "was very short: the smallness of the aperture of entrance; the confined space within, hung round with crimson damask, and ornamented with silver lamps and painting; the hurry and bustle occasioned by the worshippers searching for their shoes left at the door, as every one went in barefoot; the struggle to be the first to get near enough to kiss the marble, and sometimes the forcibly pulling off the turbans of those who might have forgotten to uncover their heads, presented altogether a scene of such confusion, that, added to the risk of suffocation in so impure an atmosphere, it drove us out rapidly to make room for others."

The next day being the Sabbath of the Jews, the travellers went early in the morning to attend the service at the Jewish Synagogue.

"Arriving at the spot, which was in a low, obscure street, near the centre of the town, we descended by a flight of steps into a grotto. On getting down into this we found it to be a large suite of subterranean rooms, lighted by small windows from above, around the sides, and near the roof.

"The whole place was divided into seven or eight smaller rooms; in the centre of each was raised a square enclosure, open above at the sides, and here stood the priest who read the service. The female worshippers were above, looking down on the congregation through a screen of lattice-work. The men were below, all seated on benches, and every one had a white serge cloth, striped with blue at the ends, thrown over his head; at the front corners of this cloth were two long cords, and around two of the edges of it were fringes of threads.

"After some time passed in reading and responses, we went into the central rooms, which were both of them longer than the outer ones; and at the end of these were curtains for the veil of the temple. In the principal room this veil was of purple cloth worked with gold; and on its centre were the two tables of the law in Hebrew, nearly in the same form as we have them in English in our own churches.

"The priest who officiated had, during this last week, arrived here from Amsterdam. The book from which he read rested on a piece of crimson velvet, worked with Hebrew letters of gold; after an apparent weeping on the part of the people, who covered their faces with the white head-cloth, and moved to and fro as if distressed for the loss of something, a man walked round the synagogue, crying out with a loud voice, and changing the first word only at every subsequent exclamation. This, we learnt, was the sum offered for the sight of the Torak, or Scriptures. Advances were then made by individuals of the audience, and repeated by the crier, until either a sufficient or some specified sum was raised.

"The priest then made a loud shout, and all the people joined; when some of the elders drew aside the veil of the temple, and opening a recess like that of a *sanctum sanctorum*, took from thence a cabinet,

highly ornamented with silver. In this were two rolls containing the book of the law on parchment, rolled round a small pillar in the centre, which, on being turned, exposed the writing of the roll successively to view. On the top of this roll was fixed two silver censers with small bells, and it was carried round the assembly, when each of the congregation touched the writing with the cords at the front corners of his head cloth, after placing this cords to his lips, then across his eyes. The cabinet was followed by a boy bearing four silver censers with bells on a stand, and after every one had touched it, it was placed on the altar, in the central sanctuary, before the priest.

"We had been suffered to go through every part of the synagogue during the service, which consisted chiefly in reading, and to press thro' narrow ranks of the worshippers. We were at length accosted in Italian by an old Rabbi, who called himself Mohallim Zachreas, and told us that he was the banker of the governor, and the chief of the Jews here. He said that he had left Leghorn at the age of fifteen, against the wish of his friends, to end his days in Jerusalem, and that he had remained here ever since, being now nearly sixty years of age; from him we learnt the chief particulars of the worship already described, and he told us that the service was the same in all the separate divisions of the synagogue, which we had reason to believe was true, as we ourselves had seen it to be the same in two of these places."

Having closed his excursions to the holy places round Jerusalem, Mr. Buckingham presents us with a retrospective view of the city, which is illustrated by a very well executed plan, having been preceded by an excellent map of ancient Jerusalem and its divisions.

We shall not dwell long upon this portion of work, as the subject has been so frequently discussed at large by other travellers. From the estimate given by Mr. Buckingham it would appear that the fixed residents of the holy city, one half of whom are Mohammedans, are about eight thousand; but that the continual influx of strangers from all countries, augments the population from ten to fifteen thousand, according to the season of the year. From Christmas to Easter is the period in which Jerusalem is most frequented. Very little trade is carried on, and but few manufactures, religion being almost the only business which brings men of opposite quarters together here; there is much less bustle than would be produced in a trading town, by a smaller number of inhabitants. The military force kept up here, is comparatively small, consisting only of about a thousand soldiers, including horse and foot.

In this part of the work Mr. Buckingham has introduced some very interesting discussions on the identity of the Hill of Sion; the received opinion, that the cemeteries of the ancients were universally excluded from the precincts of their cities, &c.; in which, to say nothing of his apparently minute acquaintance with the Scriptures, he displays very considerable learning and ingenuity. We quote his observations on the disputed site of Calvary:—

"The place called Golgotha, and translated 'the place of a skull,' has been, by all writers, supposed to have been without the precincts of the ancient Jerusalem; but there is no positive authority that I am aware of for such a position. It has been thought, first, that, as a place of execution, it would be held desecrating; and next, as a place of burial, that it could not have been included within the walls. We are at least assured that the tomb in which Jesus was laid, was near to the place of his crucifixion: 'Now in the place where he was crucified, there was a garden, and in the garden a new sepulchre, wherein yet was never man laid; there laid they Jesus, therefore, because of the Jews preparation-day, for the sepulchre was *NIGH AT HAND*.' It is fair to presume, that a respectable Jew, like Joseph of Arimathea, would hardly have a garden and a sepulchre newly hewn in the rock, in a place that was desecrated by being one of common execution; and I think the very circumstance of these being there, is sufficient to induce a belief that it was not a place commonly devoted to so ignominious a purpose. All the gospels represent Jesus as being hurried away by the multitude, who seized indiscriminately upon one of the crowd to bear his cross. 'And when they were come to a place called Calvary, or Golgotha, there they crucified him between two thieves.' None of them, however, speak of it either as being a place *WITHOUT* the city, or as being a place of public execution; but leave one to infer, that it was an unoccupied place, just pitched on for the purpose as they passed.

"Some persons whose ideas of Calvary had led them to expect a hill as large as the Mount of Olives, or Mount Sion, have been disappointed at finding the rock shown for it to be so low and small. But, on what authority is it called a *mount*? and to places of what different sizes and elevations is that term affixed? The present is a rock, the *summit* of which is ascended to by a steep flight of eighteen or twenty steps, from the common level of the church, which is equal with that of the street without; and besides this, you descend from the level of the church by thirty steps into the chapel of St. Helena, and by eleven more steps to the place where it was supposed that the Cross, the Crown of Thorns, and the Head of the Spear were found, after lying buried in this place upwards of three hundred years."

On the 28th, their preparations for the prosecution of their journey being completed, Mr. Buckingham, accompanied by Mr. Banks, his Albanian interpreter, and two Arab guides, left Jerusalem for Jericho. For the convenience of travelling, they arrayed themselves in the costume of the country, Mr. Buckingham as a Syrian Arab, and Mr. Banks as a Turkish soldier. The guides wore their own garb of Bedouins of the desert. As they were unable to hire animals to carry their baggage, each person took charge of whatever portion belonged to himself. They took with them bread, dates, tobacco, and coffee, and a supply of corn for their horses, with a leather bottle of water suspended from each saddle.

The road from Jerusalem to the Jordan, abounding as it does in the wildest scenery of nature, ravines, cliffs, and precipices, mingling in awful and wonderful confusion, is the most dangerous about Palestine, "The very aspect of the scenery (says Mr. B.) is sufficient, on the one hand, to tempt to robbery and murder, and, on the other to occasion a dread of it in those who pass that way." After a walk of about six hours, they arrived at Jericho; but so entirely abandoned was this once important city, that there was not a tree or shrub observable upon its site. The ruins appeared to cover nearly a square mile, but were too indistinct to enable the travellers to form any plan of them. Passing on about four miles in an easterly direction, they came to the village of Rihlah, on the banks of the Jordan. They saw nothing of importance in this place. The only objects pointed out to them were a modern square tower of Mohammedan work, which they pretend was the house of Zacheus, and an old tree, up which he is said to have climbed, in order to obtain a sight of Jesus as he passed. The next day the travellers passed the Jordan.

"The stream (says Mr. B.) appeared to us to be little more than twenty-five yards in breadth, and was so shallow in this part as to be easily fordable by our horses. The banks were thickly lined with tall rushes, oleanders, and a few willows; the stream was exceedingly rapid; the water tolerably clear, from its flowing over a bed of pebbles; and, as we drank of the stream while our horses were watering, we found it pure and sweet to the taste.

"From the distance which we had come from Jericho northward, it seemed probable that we had crossed the river pretty nearly at the same ford as that which was passed over by the Israelites on their first entering the promised land.

"Ascending on the east side of the Jordan, we met large flocks of camels, mostly of whitish colour, and all of them young and never yet burthened, as our guides assured us, though the whole number of those we saw could not have fallen short of a thousand. These were being driven down to the Jordan to drink, chiefly under the care of young men and damsels. Among them, many of the young ones were clothed around their bodies, with coverings of hair tent-cloths, while the elder females had their udders bound up in bags, tied by cords, crossing over the loins; and the males walked with two of the legs tied."

After travelling onward in a north-easterly direction, and passing the night in the camp of a tribe of friendly Bedouins, they arrived at the village of Boorza, which appeared to contain from forty to fifty dwellings of stone. This place is supposed to have been the Bozer mentioned in the Sacred Writings. On their journey from hence, they were joined by a troop of Bedouins, in whose camp they passed the night. Early the next morning they proceeded, through a rich and beautiful country, to the ruins of Jerash, (the Geraza of the ancients,) of which Mr. Buckingham has given a very full and copious account. Their situation during their sojourn here was particularly dangerous, owing to the jealous suspicion of the scattered inhabitants, who seem to have been impressed with an idea that the treasures supposed to have been buried beneath the ruins of Jerash were the objects of the travellers' researches. The following description of this city, viewed from a steep hill in its vicinity, is given by Mr. Buckingham:—

"The city, standing itself upon a rising ground, seemed, from this point of view, to be seated in the hollow of a grand and deep valley, encircled on all sides by lofty mountains, now covered with verdure, and having part of its own plain below in actual cultivation. Near, on the summit of the southern hill which bounded the view in that quarter, stood the modern village of Aloode, having a central tower and walls, and forming the retreat of the husbandmen, who till the grounds in the valley beneath. The circular colonnade, the avenues of Corinthian pillars forming the grand street, the southern gate of entrance, the naumachia, and the triumphal arch beyond it, the theatres, the temples, the aqueducts, the baths, and all the assemblage of noble buildings which presented their vestiges to the view, seemed to indicate a city built only for luxury, for splendor, and for pleasure; although it was a mere colonial town in foreign province, distant from the capital of the great empire to which it belonged, and scarcely known either in sacred or profane history."

Wishing to take a more accurate survey of the ancient Geraza than they had hitherto been enabled to accomplish, the two travellers returned privately to that city for the purpose, thus avoiding the interruptions to which they would have been liable from the suspicious character of the neighbouring people.

"The city occupied nearly a square of somewhat less than two English miles in circumference, and the greatest length, from the ruined arched building on the south of the first entrance to the small temple on the north side of the opposite one, is about five thousand feet, as measured by paces, or nearly an English mile. The general direction of this square, is with its sides nearly towards the four cardinal points; but none of these sides are perfectly straight, probably from the inequality of the ground along which they run.

"The city stood on the facing slopes of two opposite hills, with a narrow, but not a deep valley between them, through which ran a clear stream of water springing from fountains near the centre of the town, and bending its way thence to the southward.

"The eastern hill, though rather more extensive in its surface than the western one, rises with a steeper slope, and is consequently not so well fitted for building on. We found it covered with shapeless heaps of rubbish, evidently the wreck of houses, as the walls of some of them were still visible; but as neither columns nor other vestiges of ornamental buildings were to be seen among these, we concluded that this portion of the city was chiefly inhabited by the lower orders of the people.

"The whole surface of the western hill is covered with temples, theatres, colonnades, and ornamental architecture, and was, no doubt, occupied by the more dignified and noble of the citizens. The general plan of the whole was evidently the work of one founder, and must have been sketched out before the Roman city, as we now see it in ruins, began to be built. The walls of the city were as nearly equal in length, and faced as nearly to the four cardinal points, as the nature of the ground would admit.

"The eastern portion was chosen for the residence of the great mass of the people; first, from its being less adapted to the erection of fine buildings, or the production of architectural effect. The western portion was devoted purely to the grandeur of display and decoration, and the regularity of its arrangement is no less striking than the number of splendid edifices crowded together in so small a space.

"One straight and spacious street extends through the whole length of the city from north to south, ending at the gates of these respective quarters, there being only these two now remaining; nor are there indeed any conclusive appearances of there ever having been any other than those two entrances into the city.

"The main street is intersected at nearly equal distances of one-fourth of its length from each gate, by two other streets which cross it at right-angles, and extend through the whole breadth of this western portion of the city, the point of intersection in each being ornamented with a public square.

"From each of these intersections to their respectively nearest gate, the order of architecture that prevailed was Ionic; but in the central space between these intersections, and including a length equal to half that of the whole city, the predominant order was Corinthian.

"In the centre, or nearly so, of the central space, was a noble palace, probably the residence of the governor, with a beautiful Corinthian temple in front, and another more ruined one behind in right-lines with it, and the semi-circular recess of a still more highly-finished temple beside it. In a line with these edifices, and on the east of them, was a bridge crossing the small stream in the valley. In a line with the first or southern street of intersection was another bridge; and nearly in a line with the northern street, and also on the east of it, was a very extensive bath.

"Just within the southern gate of entrance was a peripteral temple, a circular colonnade, and a theatre; and just within the northern gate of entrance was also a theatre, a temple, and a military guardhouse. Both the principal streets extending the whole length of the city, and those which crossed its road through its breadth, were lined by avenues of columns, extending, in one unbroken range on each side, and ascended by steps.

"There were also other edifices scattered in different parts of the city, which will be seen on examining the plan; but the whole was remarkable for the regularity and taste of its design, no less than for its able and perfect execution."

Such were the outline features of this interesting city; but, as we have already exceeded our limits for one article, we must defer our concluding notice of Mr. Buckingham's volume until our next number.